This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

**Act No. 145 (S.71). An act relating to consumer data privacy and online surveillance**

**Subjects: Consumer protection; commerce and trade; data privacy**

This act creates a comprehensive data privacy law for the State and applies to organizations that process the data of at least 35,000 consumers, process the sensitive data of at least 3,000 consumers, or sell the personal data of at least 3,000 consumers. An organization or data an organization processes may be exempt from the regulations of this act, such as government entities, covered entities that are not hybrid entities, data subject to Title V of the Gramm-Leach-Bliley Act, and most insurance companies.

This act provides consumers with certain rights to their personal data, including the right to confirm whether or not a data controller is processing their data, to correct inaccuracies in their data, to delete their data, to obtain a copy of their data, to opt out of the processing of their data for the purpose of targeted advertising or sale, and to obtain a list of third parties to whom the controller sold the consumer's personal data. A consumer may designate another person to serve as the consumer's agent to exercise the consumer's right to opt out of the processing of the consumer's data, and a controller must respond to a consumer's request within a certain amount of time.

This act requires that controllers limit the collection of a consumer's personal data to what is reasonably necessary and proportionate in relation to the purposes for which it's processed and are restricted from processing the data for any new material purpose that is incompatible with the purposes for which it was originally processed. This act also prohibits controllers from processing or selling the sensitive data of a consumer without consent or from discriminating against a consumer for exercising a right provided in this act.

The act requires that controllers provide a clear and accessible privacy notice that provides consumers with detailed information on how the controller processes and manages consumers' data. The act requires that a controller and the controller's processor enter into a contract that requires, among other things, that the processor help the controller comply with this act.

If a controller processes personal data in a way that presents a heightened risk of harm to consumers, the controller is required to conduct a data protection assessment that will identify and weigh benefits to the controller and risks to consumers. A similar impact assessment is required if the controller engages in profiling. Both assessments must be sent to the Office of the Attorney General upon request during an investigation.

Enforcement of the act is exclusively through the Office of the Attorney General under the Vermont Consumer Protection Act.

Effective Date: January 1, 2028