

1 H.342

2 Introduced by Representatives Priestley of Bradford, Casey of Montpelier,
3 Coffin of Cavendish, Headrick of Burlington, Howard of
4 Rutland City, Mrowicki of Putney, Nugent of South Burlington,
5 and White of Bethel

6 Referred to Committee on

7 Date:

8 Subject: Commerce and trade; protection of personal information; public
9 servants

10 Statement of purpose of bill as introduced: This bill proposes to require data
11 brokers to stop disclosing the protected personal information of certain public
12 servants upon receiving a notice to stop disclosing the protected information.

13 An act relating to protecting the personal information of certain public
14 servants

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. FINDINGS AND PURPOSE

17 (a) The General Assembly finds that Vermont's judges, prosecutors, law
18 enforcement officers, and other public servants play an essential role in the
19 functioning of the government of the State of Vermont and that the nature of

1 their official duties regularly places them in danger of death, serious physical
2 injury, and other reprisals from members of the public.

3 (b) Violence to and intimidation of such public servants and their families
4 is on the rise and public access to the personal information of these individuals
5 can be and has been used to facilitate violence and intimidation. The personal
6 information of these individuals is of negligible value to the public interest or
7 public discourse.

8 (c) Accordingly, the provisions of this act are both necessary and
9 appropriate to protect the privacy, safety, and security of public servants and to
10 prevent interference in the administration of justice and the operation of
11 government in the State of Vermont.

12 Sec. 2. 9 V.S.A. chapter 62 is amended to read:

13 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

14 * * *

15 Subchapter 5. Data Brokers

16 * * *

17 § 2448. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT

18 PERSONAL INFORMATION

19 (a) Definitions. As used in this section:

1 (1) “Assignee” means a person or entity to whom a covered person’s
2 right to bring a civil action for a violation of this section has been assigned by
3 the covered person or their authorized agent.

4 (2) “Authorized agent” means any of the following persons or entities
5 authorized to submit or revoke a request for the redaction or nondisclosure of
6 protected information on behalf of a covered person and to engage in
7 communications and enforcement related to the request:

8 (A) a designated trustee or other agent pursuant to a written power of
9 attorney or other legal instrument on behalf of any covered person who is
10 physically or mentally incapacitated;

11 (B) a parent or legal guardian on behalf of any child who is a minor
12 and who is otherwise entitled to address redaction or nondisclosure pursuant to
13 this section; and

14 (C) a person or entity who has been appointed pursuant to a notarized
15 document by a covered person to act for the covered person for the submission
16 or revocation of requests for redaction or nondisclosure of protected
17 information.

18 (3) “Covered person” means any of the following individuals:

19 (A) active or former judges, law enforcement officers, prosecutors,
20 public defenders, parole and probation officers, municipal employees, and

1 employees of the Family Services Division of the Department for Children and
2 Families; and

3 (B) the immediate family of individuals identified in subdivision (A)
4 of this subdivision (3).

5 (4) “Data broker” has the same meaning as set forth in section 2430 of
6 this title. “Data broker” as used in this section shall exclude governmental
7 agencies and their representatives acting in their official capacities.

8 (5) “Disclose” or “disclosing” means to solicit, sell, manufacture, give,
9 provide, lend, trade, mail, deliver, transfer, post, publish, distribute, circulate,
10 disseminate, present, exhibit, advertise, offer, or include within a searchable
11 list or database, regardless of whether any person has actually searched the list
12 or database.

13 (6) “Home address” means a partial or complete street address or other
14 information that reveals a home’s location, including tax parcel ID, legal
15 property description, or geographic coordinates.

16 (7) “Home telephone number” means any telephone number used
17 primarily for personal communications, including a landline or cellular
18 telephone number.

19 (8) “Immediate family” has the same meaning as in 3 V.S.A. § 1201.

20 (9) “Judge” means any justice, judge, or magistrate of the Vermont
21 Supreme Court, Superior Court, or Vermont Judicial Bureau, and any judge or

1 magistrate of a federal court located in Vermont, or any person who serves as a
2 judge, justice, or magistrate in another state who maintains a home address in
3 Vermont.

4 (10) “Law enforcement officer” has the same meaning as in 20 V.S.A.
5 § 2351a.

6 (11) “Municipal employee” has the same meaning as in 21 V.S.A.
7 § 1722.

8 (12) “Parole and probation officer” means a corrections services
9 specialist employed by the Department of Corrections or a parole or probation
10 officer employed by a Vermont county or municipality.

11 (13) “Prosecutor” means a Vermont State’s Attorney or Deputy State’s
12 Attorney, or a U.S. Attorney or an Assistant U.S. Attorney.

13 (14) “Protected information” means a covered person’s:

14 (A) home address, including primary residence and any secondary
15 residences;

16 (B) home telephone number;

17 (C) personal email address;

18 (D) Social Security number or driver’s license number; and

19 (E) license plate number or other unique identifiers of a vehicle
20 owned, leased, or regularly used by a covered person.

1 (15) “Public defender” means the Defender General, Deputy Defender
2 General, public defenders, or deputy public defenders that provide legal
3 services to persons in need as set forth in 13 V.S.A. chapter 163.

4 (b) Nondisclosure of protected information.

5 (1) A covered person or an authorized agent of the covered person has
6 the right through this section to send a notice to a data broker requesting that
7 the data broker cease disclosure or redisclosure of the covered person’s
8 protected information.

9 (2) Upon a data broker receiving physical or electronic notice from a
10 covered person, or an authorized agent of the covered person, requesting that
11 the data broker cease disclosing or redisclosing protected information of the
12 covered person, the data broker shall cease disclosing the protected
13 information not later than 10 days after receipt of the notice and shall not
14 disclose or redisclose the protected information after that time.

15 (3) The notice as set forth in subdivision (2) of this subsection shall be
16 in a form provided by the Secretary of State, except that no prior verification of
17 a covered person’s or authorized agent’s status shall be required for the notice.
18 The Secretary of State shall publish the form of notice not later than 90 days
19 after July 1, 2025, provided that until such form is published, covered persons
20 and their authorized agents may use their own form of written notice that
21 references this section, identifies the sender as a covered person or an

1 authorized agent acting on behalf of a covered person, and requests that the
2 data broker cease disclosure of the covered person's protected information.

3 (4) A data broker that receives a notice from a covered person or the
4 authorized agent of the covered person pursuant to subdivision (2) of this
5 subsection that discloses or rediscloses the covered person's protected
6 information more than 10 business days after receiving the notice is in
7 violation of this section and shall be subject to the following penalties in a civil
8 action brought in Superior Court by the covered person or the covered person's
9 assignee:

10 (A) damages, calculated as the greater of actual damages or
11 liquidated damages computed at the rate of \$1,000.00 for each violation of this
12 section;

13 (B) punitive damages upon proof of willful or reckless disregard of
14 the law;

15 (C) reasonable attorney's fees and other litigation costs reasonably
16 incurred; and

17 (D) any other preliminary and equitable relief as the court determines
18 to be appropriate.

19 (5) In any judicial proceeding pursuant to subdivision (4) of this
20 subsection, the standard of fault shall be ordinary negligence. It shall not be a
21 defense to liability in a judicial proceeding that the covered person's protected

1 information is or was available to the public from other sources, on the internet
2 or otherwise, or available by inspection of public records.

3 (6) A covered person or an authorized agent accessing a data broker's
4 website or other public application for the purpose of determining whether the
5 covered person's protected information is being disclosed shall not, as a result
6 of such access, be deemed to have agreed on behalf of the covered person to
7 any website terms and conditions with respect to the covered person's rights
8 under this section.

9 (7) A disclosure of protected information shall not constitute a violation
10 of this section if the disclosure:

11 (A) is made with the express authorization of the covered person,
12 provided that the authorization is provided subsequent to the relevant
13 nondisclosure request; or

14 (B) is for the sole purpose of facilitating a transaction initiated by the
15 covered person.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on July 1, 2025.