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H.342

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

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

Sec. 1. FINDINGS AND PURPOSE

(a) The General Assembly finds that Vermont’s judges, prosecutors, law enforcement officers, and other public servants play an essential role in the functioning of the government of the State of Vermont and that the nature of their official duties regularly places them in danger of death, serious physical injury, and other reprisals from members of the public.

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

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

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

2 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

3 \* \* \*

4 Subchapter 5. Data Brokers

5 \* \* \*

6 § 2448. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT

7 PERSONAL INFORMATION

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

9 (1) “Authorized agent” means any of the following persons or entities  
10 authorized to submit or revoke a request for the redaction or nondisclosure of  
11 protected information on behalf of a covered person and to engage in  
12 communications and enforcement related to the request:

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

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

19 (C) a person or entity who has been appointed pursuant to a notarized  
20 document by a covered person to act for the covered person for the submission

1 or revocation of requests for redaction or nondisclosure of protected  
2 information.

3 (2)(A) “Covered person” means any of the following individuals who  
4 are either currently or formerly:

5 (i) a judge, law enforcement officer, federal law enforcement  
6 officer, prosecutor, public defender, parole and probation officer, or member of  
7 the Vermont Parole Board;

8 (ii) an employee of:

9 (I) the Family Services Division of the Department for  
10 Children and Families;

11 (II) the Vermont Human Rights Commission;

12 (III) the Department of Corrections;

13 (IV) the Department of Public Safety, including the Vermont  
14 State Police;

15 (V) the Department of State’s Attorneys and Sheriffs; or

16 (VI) any court in the State; and

17 (iii) an investigator, victims advocate, mental health crisis worker,  
18 or embedded crisis specialist that is employed by or works on a contract basis  
19 for any of the entities listed in subdivision (ii) of this subdivision (a)(2)(A).

20 (B) “Covered person” also includes the immediate family of  
21 individuals identified in subdivisions (A)(i)–(iii) of this subdivision (a)(2).

1           (3) “Data broker” has the same meaning as set forth in section 2430 of  
2           this title. As used in this section, “data broker” excludes governmental  
3           agencies and their representatives acting in their official capacities.

4           (4) “Disclose,” “disclosing,” or “disclosure” means to solicit, sell,  
5           manufacture, give, provide, lend, trade, mail, deliver, transfer, post, publish,  
6           distribute, circulate, disseminate, present, exhibit, advertise, offer, or include  
7           within a searchable list or database, regardless of whether any person has  
8           actually searched the list or database. “Disclose” does not include an  
9           organization maintaining protected information completely inaccessible and  
10           unviewable to any person outside of the organization.

11           (5) “Federal law enforcement officer” has the same meaning as in 18  
12           U.S.C. § 115(c)(1) but is limited to those individuals who work or reside in  
13           Vermont.

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

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

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

1           (9) “Judge” means any justice, judge, or magistrate of a State court or of  
2           a federal court located in Vermont, or any person who serves as a judge,  
3           justice, or magistrate in another state who maintains a home address in  
4           Vermont.

5           (10) “Law enforcement officer” has the same meaning as in 20 V.S.A.  
6           § 2351a.

7           (11) “Parole and probation officer” means:

8                   (A) a corrections services specialist employed by the Department of  
9                   Corrections; or

10                   (B) a parole or probation officer employed by a Vermont county or  
11                   municipality.

12           (12) “Prosecutor” means a Vermont State’s Attorney or Deputy State’s  
13           Attorney, the Attorney General or an Assistant Attorney General, or a U.S.  
14           Attorney or an Assistant U.S. Attorney who works in Vermont.

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

16                   (A) home address, including primary residence and any secondary  
17                   residences;

18                   (B) home telephone number;

19                   (C) personal email address;

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

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

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

6           (b) Nondisclosure of protected information.

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

11           (2) Upon a data broker receiving physical or electronic notice from a  
12           covered person, or an authorized agent of the covered person, requesting that  
13           the data broker cease disclosing or redisclosing protected information of the  
14           covered person, the data broker shall cease disclosing the protected  
15           information not later than 15 days after receipt of the notice and shall not  
16           disclose or redisclose the protected information after that time.

17           (3) The notice as set forth in subdivision (2) of this subsection shall be  
18           in a form and manner provided by the Attorney General, except that:

19           (A) the notice shall require that the covered person provide the  
20           covered person’s full name along with the specific protected information of the  
21           covered person that is being disclosed by the data broker;

1           (B) no prior verification of a covered person's or authorized agent's  
2           status shall be required for the notice; and

3           (C) the notice shall include a disclaimer that ceasing disclosure of a  
4           covered person's protected information may:

5                   (i) complicate certain business transactions; and

6                   (ii) not result in the covered person's protected information being  
7           totally removed from the internet.

8           (c) Penalties for violations.

9                   (1) Attorney General enforcement.

10           (A) A data broker that receives a notice from a covered person or the  
11           authorized agent of the covered person pursuant to subdivision (b)(2) of this  
12           section that discloses or rediscloses the covered person's protected information  
13           more than 15 days after receiving the notice is in violation of this section and  
14           shall be assessed a civil penalty of not more than \$10,000.00 for each  
15           violation.

16           (B) The Attorney General has the same authority to adopt rules to  
17           implement the provisions of this section and to conduct civil investigations,  
18           enter into assurances of discontinuance, bring civil actions, and take other  
19           enforcement actions as provided under chapter 63, subchapter 1 of this title.

20           (C) The Attorney General shall create a form on its website where a  
21           covered person or an authorized agent of the covered person is able to provide

1 notice to the Attorney General that more than 15 days have passed since the  
2 covered person or an authorized agent of the covered person submitted a notice  
3 to a data broker pursuant to subdivision (b)(2) of this section and that the data  
4 broker continues to disclose or has redisclosed the covered person's protected  
5 information. This form shall require, at minimum, that the covered person  
6 provide the name of the:

7 (i) data broker; and

8 (ii) covered person and the specific protected information of the  
9 covered person that is being disclosed by the data broker.

10 (2) Private action.

11 (A) Subject to the requirements in subdivision (B) of this subdivision  
12 (2), a data broker that receives a notice from a covered person or the authorized  
13 agent of the covered person pursuant to subdivision (b)(2) of this section and  
14 that discloses or rediscloses the covered person's protected information more  
15 than 15 days after receiving the notice is in violation of this section and is  
16 subject to a civil action brought in Superior Court by the covered person for  
17 the following:

18 (i) damages, calculated as the greater of actual damages or  
19 liquidated damages computed at the rate of \$1,000.00 for each violation of this  
20 section;



1                   (ii) punitive damages upon proof of willful or reckless disregard  
2 of the law;

3                   (iii) reasonable attorney's fees and other litigation costs  
4 reasonably incurred; and

5                   (iv) any other preliminary and equitable relief as the court  
6 determines to be appropriate.

7                   (B) A data broker that ceases disclosing the protected information of  
8 a covered person not more than 15 days after being served with process in a  
9 civil suit brought by the covered person pursuant to subdivision (A) of this  
10 subdivision (2) shall only be liable to the covered person for reasonable  
11 attorney's fees and court costs in the civil action. A data broker is not eligible  
12 for the exception provided this subdivision (B) if the data broker:

13                   (i) more than 15 days after receiving notice from a covered person  
14 or the authorized agent of a covered person pursuant to subdivision (b)(2) of  
15 this section discloses additional protected information of the covered person;

16 or

17                   (ii) rediscloses protected information of the covered person after  
18 having received notice pursuant to subdivision (b)(2) of this section.

19                   (3) Standard of fault. In any judicial proceeding pursuant to this section,  
20 the standard of fault shall be ordinary negligence. It shall not be a defense to  
21 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 (d) Accessing information. A covered person or an authorized agent  
4 accessing a data broker's website or other public application for the purpose of  
5 determining whether the covered person's protected information is being  
6 disclosed shall not, as a result of such access, be deemed to have agreed on  
7 behalf of the covered person to any website terms and conditions with respect  
8 to the covered person's rights under this section.

9 (e) Limitations.

10 (1) A disclosure of protected information shall not constitute a violation  
11 of this section if the disclosure is:

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

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

17 (2) This section does not apply to a data broker in a disclosure pursuant  
18 to subdivision (1) of this subsection.

19 (3) Nothing in this section shall be construed as prohibiting an employer  
20 from providing employee information to the Vermont Labor Relations Board  
21 or to employee organizations that is required under Vermont law.

1           (4) Nothing in this section shall be construed to require a data broker to  
2           delete protected information.

3           Sec. 3. FORM OF NOTICE

4           The Attorney General shall publish the form of notice pursuant to 9 V.S.A.  
5           § 2448(b)(3) not later than 90 days after July 1, 2025, provided that until such  
6           form is published, covered persons and their authorized agents may use their  
7           own form of written notice that:

8                   (1) references this section;

9                   (2) identifies the sender as a covered person or an authorized agent  
10           acting on behalf of a covered person;

11                   (3) provides the covered person's full name along with the specific  
12           protected information of the covered person that is being disclosed by the data  
13           broker; and

14                   (4) requests that the data broker cease disclosing the specific protected  
15           information of the covered person.

16           Sec. 4. STUDY AND REPORT ON PUBLIC AGENCY COMPLIANCE

17           (a) Study. The Agency of Digital Services, in consultation with the  
18           Agency of Administration, the Office of the Secretary of State, the Office of  
19           the Attorney General, and with other State agencies as requested by the  
20           Agency, shall conduct a study to determine the various considerations and  
21           impacts on State public agencies if public agencies were required to conform

1 to the disclosure policies set forth in this act. The Agency shall meet with and  
2 receive input from relevant stakeholders in conducting its study, including the  
3 Vermont League of Cities and Towns and the Vermont Municipal Clerks' and  
4 Treasurers' Association. The Agency shall consider the following in its study:

5 (1) if public agencies were required to cease disclosing the protected  
6 information of covered persons:

7 (A) the extent to which public agencies would currently be able to  
8 accommodate these requests;

9 (B) the fiscal and resource impact on public agencies;

10 (C) whether additional staffing or training would be needed to  
11 comply;

12 (D) the degree to which risk can be mitigated through State or local  
13 policy; and

14 (E) determining which statutes, regulations, and administrative  
15 policies require amending in order to accomplish the goal of public agencies  
16 being able to cease the disclosure of protected information of covered persons;

17 (2) how other states have implemented similar requirements on their  
18 public agencies, including the types of penalties levied for noncompliance;

19 (3) the feasibility of creating a State office to manage all statewide  
20 requests to cease disclosing protected information; and

21 (4) any additional related areas of study as determined by the Agency.

1        (b) Report. On or before December 1, 2026, the Agency of Digital  
2        Services shall submit a written report to the House Committee on Government  
3        Operations and Military Affairs and the Senate Committee on Government  
4        Operations with a summary of its findings pursuant to the study set forth in  
5        subsection (a) of this section. The Agency shall also include in its report its  
6        recommendations for legislative action and policy modification as well as a  
7        suggested timeline for the implementation of the disclosure policies on public  
8        agencies.

9        Sec. 5. DELAYED START FOR PRIVATE ACTION

10        The private action provided to a covered person pursuant to 9 V.S.A.  
11        § 2448(c)(2) shall take effect on January 1, 2026.

12        Sec. 6. EFFECTIVE DATE

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