

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) Non-disclosure 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
17 of a covered person’s or authorized agent’s status shall be required for the
18 notice. The Secretary of State shall publish the form of notice not later than
19 90 days after July 1, 2025, provided that until such form is published, covered
20 persons and their authorized agents may use their own form of written notice
21 that 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
8 civil action brought in Superior Court by the covered person or the covered
9 person's 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 ~~(C) 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.~~

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.*~~

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

~~*CHAPTER 62. PROTECTION OF PERSONAL INFORMATION*~~

~~** * **~~

~~*Subchapter 5. Data Brokers*~~

~~** * **~~

~~*§ 2448. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT*~~

~~*PERSONAL INFORMATION*~~

~~*(a) Definitions. As used in this section.*~~

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

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

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

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

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

(3) "Covered person" means any of the following individuals:

(A) active or former judges, law enforcement officers, federal law enforcement officers, prosecutors, public defenders, parole and probation officers, and members of the Vermont Parole Board,

~~(B) employees of:~~

~~(i) the Family Services Division of the Department for Children and Families;~~

~~(ii) the Vermont Human Rights Commission;~~

~~(iii) the Department of Corrections;~~

~~(iv) the Department of Public Safety, including the Vermont State Police;~~

~~(v) the Department of State's Attorneys and Sheriffs; and~~

~~(vi) all courts in the State;~~

~~(C) investigators, victim advocates, mental health crisis workers, and embedded crisis specialists that are employed or work on a contract basis for any of the entities listed in subdivision (3)(B) of this subsection; and~~

~~(D) the immediate family of individuals identified in subdivisions (A)–(C) of this subdivision (3).~~

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

~~(5) “Disclose,” “disclosing,” or “disclosure” means to solicit, sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, post, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, or include within a searchable list or database, regardless of whether any person has~~

~~actually searched the list or database. “Disclose” does not include an organization maintaining protected information completely inaccessible and unviewable to any person outside of the organization.~~

~~(6) “Federal law enforcement officer” has the same meaning as in 18 U.S.C. § 115(c)(1) but is limited to those individuals who work or reside in Vermont.~~

~~(7) “Home address” means a partial or complete street address or other information that reveals a home’s location, including tax parcel ID, legal property description, or geographic coordinates.~~

~~(8) “Home telephone number” means any telephone number used primarily for personal communications, including a landline or cellular telephone number.~~

~~(9) “Immediate family” has the same meaning as in 3 V.S.A. § 1201.~~

~~(10) “Judge” means any justice, judge, or magistrate of a State court or of a federal court located in Vermont, or any person who serves as a judge, justice, or magistrate in another state who maintains a home address in Vermont.~~

~~(11) “Law enforcement officer” has the same meaning as in 29 V.S.A. § 2351a.~~

~~(12) “Parole and probation officer” means.~~

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

~~(B) a parole or probation officer employed by a Vermont county or municipality;~~

~~(13) "Prosecutor" means a Vermont State's Attorney or Deputy State's Attorney, the Attorney General or an Assistant Attorney General, or a U.S. Attorney or an Assistant U.S. Attorney who works in Vermont.~~

~~(14) "Protected information" means a covered person's:~~

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

~~(B) home telephone number;~~

~~(C) personal email address;~~

~~(D) Social Security number or driver's license number; and~~

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

~~(15) "Public defender" means the Defender General, Deputy Defender General, public defenders, or deputy public defenders who provide legal services to persons in need as set forth in 13 V.S.A. chapter 163.~~

~~(b) Nondisclosure of protected information.~~

~~(1) A covered person or an authorized agent of the covered person has the right through this section to send a notice to a data broker requesting that~~

~~the data broker cease disclosure or redisclosure of the covered person's protected information.~~

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

~~(3) The notice as set forth in subdivision (2) of this subsection shall be in a form provided by the Secretary of State, except that no prior verification of a covered person's or authorized agent's status shall be required for the notice. The Secretary of State shall publish the form of notice not later than 90 days after July 1, 2025, provided that until such form is published, covered persons and their authorized agents may use their own form of written notice that references this section, identifies the sender as a covered person or an authorized agent acting on behalf of a covered person, and requests that the data broker cease disclosure of the covered person's protected information.~~

~~(c) Remedies.~~

~~(1) A data broker that receives a notice from a covered person or the authorized agent of the covered person pursuant to subdivision (b)(2) of this~~

~~section that discloses or rediscloses the covered person's protected information~~

~~more than:~~

~~(A) 15 days after receiving the notice is in violation of this section and shall be subject to an injunction in a civil action brought in Superior Court by the covered person or the covered person's assignee; or~~

~~(B) 30 days after receiving the notice is in violation of this section and shall be subject to the following remedies in a civil action brought in Superior Court by the covered person or the covered person's assignee:~~

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

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

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

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

~~(2) In any judicial proceeding pursuant to subdivision (1) of this subsection, the standard of fault shall be ordinary negligence. It shall not be a defense to liability in a judicial proceeding that the covered person's protected~~

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

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

~~(e) Limitations.~~

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

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

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

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

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

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

~~Sec. 3. DELAYED START FOR CERTAIN REMEDIES~~

~~The remedies provided to a covered person pursuant to 9 V.S.A. § 2448(c)(1)(B) shall take effect on January 1, 2026.~~

~~Sec. 4. EFFECTIVE DATE~~

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

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.

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

CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

** * **

Subchapter 5. Data Brokers

** * **

§ 2448. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT

PERSONAL INFORMATION

(a) Definitions. As used in this section:

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

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

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

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

(2)(A) "Covered person" means any of the following individuals who are either currently or formerly:

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

(ii) an employee of:

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

(II) the Vermont Human Rights Commission;

(III) the Department of Corrections;

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

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

(VI) any court in the State; and

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

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

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

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

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

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

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

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

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

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

(11) “Parole and probation officer” means:

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

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

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

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

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

(B) home telephone number;

(C) personal email address;

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

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

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

(b) Nondisclosure of protected information.

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

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

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

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

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

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

(i) complicate certain business transactions; and

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

(c) Penalties for violations.

(1) Attorney General enforcement.

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

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

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

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

(i) data broker; and

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

(2) Private action.

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

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

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

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

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

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

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

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

(3) Standard of fault. In any judicial proceeding pursuant to this section, the standard of fault shall be ordinary negligence. It shall not be a defense to liability in a judicial proceeding that the covered person's protected

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

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

(e) Limitations.

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

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

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

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

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

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

Sec. 3. FORM OF NOTICE

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

(1) references this section;

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

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

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

Sec. 4. STUDY AND REPORT ON PUBLIC AGENCY COMPLIANCE

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. DELAYED START FOR PRIVATE ACTION

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

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2025.