

1 H.791

2 Introduced by Representatives Priestley of Bradford, Berbeco of Winooski,  
3 Burrows of West Windsor, Cole of Hartford, Donahue of  
4 Northfield, Graning of Jericho, Headrick of Burlington,  
5 Holcombe of Norwich, Kleppner of Burlington, McCann of  
6 Montpelier, McGill of Bridport, Mrowicki of Putney, Nugent of  
7 South Burlington, Ode of Burlington, Pouech of Hinesburg,  
8 Rachelson of Burlington, Scheu of Middlebury, Sibia of  
9 Dover, Sweeney of Shelburne, Tomlinson of Winooski, and  
10 Torre of Moretown

11 Referred to Committee on

12 Date:

13 Subject: Internal security and public safety; government management of data

14 Statement of purpose of bill as introduced: This bill proposes to set privacy

15 standards for the State government in regard to the storage of, access to, and

16 disclosure of personal information of Vermonters.

17 An act relating to State government and information privacy

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

2 Sec. 1. 20 V.S.A. chapter 206 is added to read:

3 CHAPTER 206. GOVERNMENT DATA PRACTICES

4 § 4631. SHORT TITLE AND DEFINITIONS

5 (a) This chapter may be cited as the “Vermont Government Data Practices  
6 Act.”

7 (b) As used in this chapter:

8 (1) “Agency” means any agency, department, board, commission, or any  
9 other entity or officer of the Executive Branch of State government.

10 (2) “Commercial purpose” means any purpose that has financial gain as  
11 a major objective. It does not include the gathering or dissemination of  
12 newsworthy facts by a publisher or broadcaster.

13 (3) “Disclose” means to disclose, release, transfer, disseminate, or  
14 otherwise communicate all or any part of any record orally, in writing, or by  
15 electronic or any other means to any person or entity.

16 (4) “Maintain” means to maintain, store, acquire, use, or disclose.

17 (5) “Neural data” means information that is generated by measuring the  
18 activity of an individual’s central or peripheral nervous system and that is not  
19 inferred from nonneural information.

1           (6)(A) “Personal information” or “information” means any information  
2           that identifies, relates to, describes, or is capable of being associated with a  
3           particular individual, including the following:

4                     (i) name, alias, address, unique personal identifier, online  
5                     identifier, IP address, email address, account name, Social Security number,  
6                     driver’s license number, passport number, or other personal identifier;

7                     (ii) vehicle registration information, including license plate  
8                     numbers;

9                     (iii) the contents of an individual’s mail, email, and text messages,  
10                    unless the agency is the intended recipient of the communication;

11                    (iv) characteristics of protected classifications;

12                    (v) racial or ethnic origin, citizenship or immigration status,  
13                    religious beliefs, political positions or affiliations, or union membership;

14                    (vi) biometric information;

15                    (vii) genetic data;

16                    (viii) precise geolocation data;

17                    (ix) audio, electronic, visual, thermal, olfactory, or similar  
18                    information;

19                    (x) insurance policy numbers;

20                    (xi) neural data;

21                    (xii) information concerning an individual’s health; and

1                   (xiii) information concerning an individual’s gender, sex life, or  
2                   sexual orientation.

3                   (B) “Personal information” may exist in various formats, including  
4                   the following:

5                   (i) physical formats, including paper documents, printed images,  
6                   vinyl records, or video tapes;

7                   (ii) digital formats, including text, image, audio, or video files;  
8                   and

9                   (iii) abstract digital formats, including compressed or encrypted  
10                  files, metadata, or artificial intelligence systems that are capable of outputting  
11                  personal information.

12                  (7) “Precise geolocation data” means any data that is derived from a  
13                  device and that is used or intended to be used to locate an individual within a  
14                  geographic area that is equal to or less than the area of a circle with a radius of  
15                  1,850 feet.

16                  (8) “Record” means any file or grouping of personal information that is  
17                  maintained by an agency.

18                  § 4632. COLLECTION AND STORAGE

19                  (a) Maintaining records.

20                  (1) An agency shall maintain in its records only the personal information  
21                  that is:

1           (A) relevant and necessary to accomplish a legitimate purpose of the  
2   agency;

3           (B) required or authorized by the State; or

4           (C) required under federal law.

5           (2) Before a record is used by an agency to make a determination about  
6   an individual, the agency shall maintain the record, to the maximum extent  
7   possible, with accuracy, relevance, timeliness, and completeness.

8           (3) Before an agency transfers a record outside State government, it  
9   shall correct, update, withhold, or delete any portion of the record that it knows  
10   or has reason to believe is inaccurate or untimely.

11          (4) An agency that provides by contract for the operation or  
12   maintenance of records to accomplish an agency function shall require that the  
13   provisions of this chapter be applied to those records. For purposes of section  
14   4637 of this chapter, any contractor and any employee of the contractor, if the  
15   contract is agreed to on or after July 1, 2026, shall be considered an employee  
16   of an agency.

17          (b) Collection and sources of information.

18          (1) An agency shall collect the personal information of an individual to  
19   the greatest extent practicable directly from the individual who is the subject of  
20   the personal information rather than from another source.

1           (2) When an agency collects the personal information of an individual,  
2           the agency shall maintain the source or sources of the personal information,  
3           unless the source is the individual or the individual has received a copy of the  
4           source document, including the name of a source who is an individual acting in  
5           the individual's own private or individual capacity. If the source is an agency,  
6           branch of the federal government, or other organization, such as a corporation  
7           or association, this requirement can be met by maintaining the name of the  
8           agency, branch of the federal government, or organization, provided the  
9           smallest reasonably identifiable unit of that agency, branch of the federal  
10          government, or organization is named.

11          (3) When an agency electronically collects the personal information of  
12          an individual, the agency shall maintain the source or sources of the personal  
13          information or any intermediate form of the personal information as set forth in  
14          subdivision (2) of this subsection, unless:

15                (A) the source is the individual and the individual has requested that  
16                the information be discarded; or

17                (B) the individual has received a copy of the source document.

18          (4) An agency shall maintain the source or sources of the personal  
19          information in a readily accessible format so as to be able to provide it to the  
20          individual when the individual inspects a record pursuant to subsection

1 4634(d) of this chapter. This subdivision shall not apply if the source or  
2 sources are exempt from disclosure under the provisions of this chapter.

3 (c) Notice required.

4 (1) An agency shall provide on or with any form used to collect personal  
5 information from an individual the following notice:

6 (A) the name of the agency and the department or office within the  
7 agency that is requesting the information;

8 (B) the title, business address, and telephone number of the agency  
9 official who is responsible for the records;

10 (C) the authority, whether granted by statute, administrative rule, or  
11 executive order, that authorizes the maintenance of the information;

12 (D) with respect to each item of information, whether the submission  
13 of such information is mandatory or voluntary;

14 (E) the consequences, if any, of not providing all or any part of the  
15 requested information;

16 (F) the purpose or purposes within the agency for which the  
17 information is to be used;

18 (G) any known or foreseeable disclosures that may be made of the  
19 information pursuant to subdivision 4633(a)(6) or (7) of this chapter; and

20 (H) the individual's right of access to records containing the  
21 individual's personal information that are maintained by the agency.

1           (2) The notice required by subdivision (1) of this subsection does not  
2           apply to:

3           (A) agency requirements for an individual to provide the individual's  
4           name, identifying number, photograph, address, or similar identifying  
5           information, if this information is used only for the purpose of identification  
6           and communication with the individual by the agency, except that  
7           requirements for an individual's Social Security number shall conform with the  
8           provisions of the federal Privacy Act of 1974, as may be amended;

9           (B) any enforcement document issued by an employee of a law  
10           enforcement agency in the performance of the employee's duties wherein the  
11           violation is provided an exact copy of the document; or

12           (C) accident reports whereby the parties of interest may obtain a copy  
13           of the report.

14           (3) An agency official pursuant to subdivision (1)(B) of this subsection  
15           shall, upon request, inform an individual regarding the location of the  
16           individual's records and the categories of any persons that use the information  
17           in those records.

18           (d) Compliance and rules of conduct.

19           (1) An agency shall designate an agency employee to be responsible for  
20           ensuring that the agency complies with all provisions of this chapter.



1           (2) An agency shall, in consultation with the Agency of Administration,  
2           establish:

3                 (A) rules of conduct for persons involved in the design, development,  
4                 operation, disclosure, or maintenance of records and instruct each person with  
5                 respect to the requirements of this chapter, including any rules adopted  
6                 pursuant to this chapter and the penalties for noncompliance; and

7                 (B) appropriate and reasonable administrative, technical, and  
8                 physical safeguards to:

9                         (i) ensure compliance with the provisions of this chapter;  
10                         (ii) ensure the security and confidentiality of records; and  
11                         (iii) protect against anticipated threats or hazards to a record's  
12                 security or integrity that could result in an injury.

13                 (e) Use of records. An agency shall not use records for any purpose other  
14                 than the purpose for which the personal information was collected, except as  
15                 otherwise required by State law.

16           § 4633. DISCLOSING RECORDS

17                 (a) Limited disclosure. An agency shall not disclose any personal  
18                 information in a manner that would link the information disclosed to the  
19                 individual to whom it pertains unless the information is disclosed accordingly:

20                         (1) To the individual to whom the information pertains.

1           (2) With the prior written, voluntary consent of the individual to whom  
2           the information pertains, but only if that consent has been obtained not more  
3           than 30 days before the disclosure, or in the time limit agreed to by the  
4           individual in the written consent.

5           (3) To the duly appointed guardian or conservator of the individual to  
6           whom the information pertains.

7           (4) To a person representing the individual to whom the information  
8           pertains if it can be proven with reasonable certainty through the possession of  
9           agency forms, documents, or correspondence that this person is the authorized  
10          representative of the individual.

11          (5) To those officers, employees, attorneys, agents, or volunteers of the  
12          agency that have custody of the information, if the disclosure is relevant and  
13          necessary in the ordinary course of the performance of their official duties and  
14          furtheres the purpose for which the information was acquired.

15          (6) To another agency if the transfer is necessary for the transferee  
16          agency to perform its constitutional or statutory duties, and the use furthers the  
17          purpose for which the information was collected, and the use or transfer is in  
18          accordance with subdivision (b)(1) or (b)(2) of this section. With respect to  
19          information transferred from a law enforcement or regulatory agency, or  
20          information transferred to another law enforcement or regulatory agency, a use  
21          is compatible if the use of the information requested is needed in an

1 investigation of unlawful activity under the jurisdiction of the requesting  
2 agency or for licensing, certification, or regulatory purposes by that agency.

3 (7) To a branch of the federal government if authorized by State law.

4 (8) Pursuant to the Vermont Public Records Act.

5 (9) To a person who has provided the agency with advance, adequate  
6 written assurance that the information will be used solely for statistical  
7 research or reporting purposes, but only if the information to be disclosed is in  
8 a form that cannot identify any individual, and the written assurance includes a  
9 statement that the person will not attempt to reidentify the information.

10 (10) Pursuant to a determination by the agency that maintains personal  
11 information that compelling circumstances exist that affect the health or safety  
12 of an individual, if upon the disclosure a notification is transmitted to the  
13 individual to whom the information pertains at the individual's last known  
14 address. Disclosure shall not be made if it is in conflict with other State or  
15 federal laws.

16 (11) To the State Archives as a record that has sufficient historical or  
17 other value to warrant its continued preservation by the State, or for evaluation  
18 by the Secretary of Administration to determine whether the record has further  
19 administrative, legal, or fiscal value.

20 (12) To any person pursuant to a subpoena, court order, or other  
21 compulsory legal process if, before the disclosure, the agency reasonably

1 attempts to notify the individual to whom the record pertains, and if the  
2 notification is otherwise not prohibited by law.

3 (13) To another person or governmental organization to the extent  
4 necessary to obtain information from the person or governmental organization  
5 for an investigation by the agency of a failure to comply with a specific State  
6 law that the agency is responsible for enforcing.

7 (14) To an adopted person with disclosure being limited to general  
8 background information pertaining to the adopted person's biological parents,  
9 if the information does not include or reveal the identity of the biological  
10 parents.

11 (15) To a child or a grandchild of an adopted person and disclosure is  
12 limited to medically necessary information pertaining to the adopted person's  
13 biological parents. However, the information, or the process for obtaining the  
14 information, shall not include or reveal the identity of the biological parents.  
15 The Department for Children and Families shall adopt rules governing the  
16 release of information pursuant to this subdivision. The rules shall require  
17 licensed adoption agencies to provide the same services provided by the  
18 Department as established by this subdivision.

19 (16) To a member of the General Assembly, if the member has  
20 permission to obtain the information from the individual to whom it pertains or

1 if the member provides reasonable assurance that the member is acting on  
2 behalf of the individual.

3 (b) Accounting of disclosures.

4 (1) An agency shall keep an accurate accounting of the date, nature, and  
5 purpose of each disclosure of a record made pursuant to subdivision (a)(10) or  
6 (a)(12) of this section. This accounting shall also be required for disclosures  
7 made pursuant to subdivision (a)(6) or (a)(7) of this section unless notice of the  
8 type of disclosure has been provided pursuant to subsection 4632(c) of this  
9 chapter. The accounting shall also include the name, title, and business  
10 address of the person or agency to whom the disclosure was made.

11 (2) Routine disclosures of information pertaining to crimes, offenders,  
12 and suspected offenders to law enforcement or regulatory agencies of federal,  
13 State, and local government shall be deemed to be disclosures pursuant to  
14 subdivision (a)(6) of this section for the purpose of meeting the requirement set  
15 forth in subdivision (1) of this subsection.

16 (3) With respect to the sale of information concerning the registration of  
17 any vehicle or the sale of information from the files of drivers' licenses, the  
18 Department of Motor Vehicles shall establish procedures under which any  
19 person making a request for information shall be required to identify  
20 themselves and state the reason for making the request. These procedures shall  
21 provide for the verification of the name and address of the person making a

1 request for the information and that the Department may require the person to  
2 produce the information as it determines is necessary in order to ensure that the  
3 name and address of the person are the person's true name and address.

4 (4) An agency shall retain the accounting made pursuant to this  
5 subsection for at least three years after the disclosure for which the accounting  
6 is made. Nothing in this subsection shall be construed to require retention of  
7 the original documents for a three-year period, providing that the agency can  
8 otherwise comply with the requirements of this subsection.

9 (5) Beginning on July 1, 2026, an agency shall inform any person or  
10 agency to whom a record containing personal information has been disclosed  
11 during the preceding three years of any correction of an error or notation of  
12 dispute made pursuant to subdivision 4634(e)(1) or (2) of this chapter if:

13 (A) an accounting of the disclosure is required by this subsection (b)  
14 and the accounting has not been destroyed in accordance with the provisions of  
15 this chapter;

16 (B) the information provides the name of the person or agency to  
17 whom the disclosure was made; or

18 (C) the person who is the subject of the disclosed record provides the  
19 name of the person or agency to whom the information was disclosed.

20 (6) Any agency that owns or licenses computerized data that includes  
21 personal information shall disclose any breach of the security of the system

1 following discovery or notification of the breach in the security of the data  
2 pursuant to the Security Breach Notice Act, 9 V.S.A. chapter 62, subchapter 2.

3 (c) Commercial sale prohibition. An agency shall not sell, rent, or  
4 otherwise distribute for commercial purposes an individual's name and address  
5 unless the distribution is specifically authorized by State law.

6 § 4634. ACCESS TO AND INSPECTION OF RECORDS

7 (a) Publishing guidelines. An agency shall publish guidelines specifying  
8 procedures to be followed in order fully to implement each of the rights of  
9 individuals set forth in this section.

10 (b) Right to access records.

11 (1) Each individual shall have the right to inquire and be notified as to  
12 whether an agency maintains a record about the individual. An agency shall  
13 take reasonable steps to assist an individual in making the individual's request  
14 sufficiently specific.

15 (2) Any notice sent to an individual pursuant to this subsection that  
16 indicates that the agency maintains any record concerning that individual shall  
17 include the title and business address of the agency official responsible for  
18 maintaining the agency's records, the procedures to be followed to gain access  
19 to the records, and the procedures to be followed for the individual to contest  
20 the contents of these records.

1           (3) In implementing the right conferred by this section, an agency may  
2           specify in its guidelines reasonable times, places, and requirements for:

3                   (A) identifying the individual who requests access to a record; and

4                   (B) disclosing the contents of a record.

5           (4) An agency may establish fees to be charged, if any, to an individual  
6           for making copies of a record. Such fees shall exclude the cost of any search  
7           for and review of the record, and shall not exceed \$0.10 per page, unless the  
8           agency fee for copying is established by statute.

9           (5) This section applies to the rights of an individual to whom the  
10           personal information pertains and not to the authority or right of any other  
11           person, agency, agency of another state, or branch of the federal government to  
12           obtain this information.

13           (c) Exempt from access. This chapter shall not be construed to require an  
14           agency to disclose personal information to an individual to whom the  
15           information pertains, if the information:

16                   (1) is compiled for the purpose of identifying individual criminal  
17                   offenders and alleged offenders and consists only of identifying data and  
18                   notations of arrests, the nature and disposition of criminal charges, sentencing,  
19                   confinement, release, and parole and probation status;



1           (2) is compiled for the purpose of a criminal investigation of suspected  
2           criminal activities, including reports of informants and investigators, and  
3           associated with an identifiable individual;

4           (3) is contained in any record that could identify an individual and that  
5           is compiled at any stage of the process of the enforcement of criminal laws,  
6           from the arrest or indictment stage through release from supervision and  
7           including the process of extradition or the exercise of executive clemency;

8           (4) is maintained for the purpose of an investigation of an individual's  
9           fitness for licensure or public employment, or of a grievance or complaint, or a  
10          suspected civil offense, provided the information is withheld only so as not to  
11          compromise the investigation, or a related investigation;

12          (5) would compromise the objectivity or fairness of a competitive  
13          examination for appointment to or promotion in public service, or to determine  
14          fitness for licensure, or to determine scholastic aptitude;

15          (6) pertains to the physical or psychological condition of the individual,  
16          if the agency determines that disclosure would be detrimental to the individual;  
17          or

18          (7) is otherwise required by law to be withheld from the individual to  
19          whom it pertains.

1       (d) Inspection and presentation of records.

2           (1) Except as otherwise provided in this chapter, an agency shall permit  
3       any individual upon request and proper identification to inspect all the personal  
4       information in any record containing personal information and maintained by  
5       reference to an identifying particular assigned to the individual not later than  
6       30 days after the agency's receipt of the request for active records, and not  
7       later than 60 days after the agency's receipt of the request for records that are  
8       geographically dispersed or that are inactive and in central storage. Failure to  
9       respond within these time limits shall be deemed denial. In addition, the  
10       individual shall be permitted to inspect any personal information about the  
11       individual where it is maintained by reference to an identifying particular other  
12       than that of the individual, if the agency knows or should know that the  
13       information exists. The individual also shall be permitted to inspect the  
14       accounting made pursuant to subsection 4633(b) of this chapter.

15           (2) An agency shall permit the individual, and, upon the individual's  
16       request, another person of the individual's own choosing, to inspect all the  
17       personal information in the individual's record and have an exact copy made of  
18       all or any portion thereof not later than 15 days after the inspection.

19           (3) The agency shall present the information in the record in a form  
20       reasonably comprehensible to the general public.

1           (4) Whenever an agency is unable to access a record by reference to  
2           name only, or when access by name only would impose an unreasonable  
3           administrative burden, the agency may require the individual to submit such  
4           other identifying information as will facilitate access to the record.

5           (5) When an individual is entitled under this chapter to gain access to  
6           the information in a record containing personal information, the information or  
7           a true copy thereof shall be made available to the individual at a location near  
8           the residence of the individual or by mail, whenever reasonable.

9           (e) Amending records.

10           (1) An agency shall permit an individual to request in writing an  
11           amendment of the individual's record and shall, not later than 30 days after  
12           receipt of such request:

13           (A) make each correction in accordance with the individual's request  
14           of any portion of a record that the individual believes is not accurate, relevant,  
15           timely, or complete and inform the individual of the corrections made in  
16           accordance with the individual's request; or

17           (B) inform the individual of the agency's refusal to amend the record  
18           in accordance with the individual's request, the reason for the refusal, the  
19           procedures established by the agency for the individual to request a review by  
20           the head of the agency or an official specifically designated by the head of the

1 agency of the refusal to amend, and the name, title, and business address of the  
2 reviewing official.

3 (2)(A) An agency shall permit any individual who disagrees with the  
4 refusal of the agency to amend a record to request a review of such refusal by  
5 the head of the agency or an official specifically designated by the head of  
6 such agency, and, not later than 30 days after the date on which the individual  
7 requests such review, complete such review and make a final determination.  
8 If, after such review, the reviewing official refuses to amend the record in  
9 accordance with the request, the agency shall permit the individual to file with  
10 the agency a statement of reasonable length setting forth the reasons for the  
11 individual's disagreement.

12 (B) The agency, with respect to any disclosure containing  
13 information about which the individual has filed a statement of disagreement  
14 pursuant to subdivision (A) of this subdivision (2), shall clearly note any  
15 portion of the record that is disputed and make available copies of such  
16 individual's statement and copies of a concise statement of the reasons of the  
17 agency for not making the amendment to any person or agency to whom the  
18 disputed record has been or is disclosed.

1       (f) Notice and appeal of exemption.

2           (1) If the agency determines that information requested pursuant to  
3       subsection (d) of this section is exempt from access, it shall inform the  
4       individual in writing of the agency's finding that access is not required by law.

5           (2) If an individual directly affected by a determination that information  
6       is exempted from access pursuant to subdivision (1) of this subsection makes  
7       an appeal to the agency to review its decision, the agency shall conduct a  
8       review of its determination that the particular information is exempt from  
9       access. The review shall be:

10           (A) completed not later than 30 days after receipt of a request from  
11       the individual;

12           (B) conducted by the head of the agency or an official specifically  
13       designated by the head of the agency; and

14           (C) sent to the individual in writing upon its completion.

15       (g) Privacy of other individuals.

16           (1) In disclosing information contained in a record to an individual, an  
17       agency shall not disclose any personal information relating to another  
18       individual that may be contained in the record. To comply with this  
19       subdivision, an agency shall, in disclosing the information, delete or redact  
20       from disclosure such information as may be necessary.

1           (2) In disclosing information contained in a record to an individual, an  
2           agency need not disclose any information pertaining to that individual that is  
3           exempt pursuant to subsection (c) of this section. To comply with this  
4           subdivision, an agency may, in disclosing personal information contained in a  
5           record, delete or redact from the disclosure any exempt information.

6           (h) Destruction of personal information.

7           (1) An agency shall ensure that no record containing personal  
8           information shall be modified, transferred, or destroyed to avoid compliance  
9           with any of the provisions of this chapter. In the event that an agency fails to  
10          comply with the provisions of this subdivision, an individual may bring a civil  
11          action and seek the appropriate remedies and damages pursuant to subsection  
12          4636(b) of this chapter.

13          (2) An agency shall not remove or destroy personal information about  
14          an individual who has requested access to the information before allowing the  
15          individual access to the record containing the information.

16          (i) Mailing list removal. Upon written request of an individual, an agency  
17          shall remove the individual's name and address from a mailing list unless the  
18          listing of the name is exclusively used by the agency to directly contact the  
19          individual.

1     § 4635. RULEMAKING

2         The Agency of Administration shall adopt rules to implement the provisions  
3         of this chapter and to provide guidance to other State agencies and departments  
4         on the procedures for disclosure of, access to, and safekeeping of personal  
5         information.

6     § 4636. REMEDIES

7         (a) Refusal to a lawful request to inspect.

8             (1) An individual may bring a civil action against an agency whenever  
9             an agency refuses to comply with an individual's lawful request to inspect  
10            pursuant to subdivision 4634(d)(1) of this chapter.

11            (2) In any suit brought by an individual pursuant to subdivision (1) of  
12            this subsection, the court:

13                 (A) may enjoin the agency from withholding the records and order  
14                 the production to the individual of any agency records improperly withheld  
15                 from the complainant; and

16                 (B) shall assess against the agency reasonable attorney's fees and  
17                 other litigation costs reasonably incurred in any suit pursuant to this subsection  
18                 (a) in which the complainant has prevailed.

19             (b) Failure to properly maintain records.

20             (1) An individual may bring a civil action against an agency whenever  
21             the agency fails to:

1           (A) maintain a record concerning the individual with such accuracy,  
2           relevancy, timeliness, and completeness as is necessary to ensure fairness in  
3           any determination relating to the qualifications, character, rights, or  
4           opportunities of, or benefits to the individual that may be made on the basis of  
5           such record, if, as a proximate result of such failure, a determination is made  
6           that is adverse to the individual; or

7           (B) comply with any other provision of this chapter, or any rule  
8           adopted pursuant to this chapter, in such a way as to have an adverse effect on  
9           the individual.

10           (2) In any suit brought pursuant to subdivision (1) of this subsection, the  
11           agency shall be liable to the individual in an amount equal to the sum of:

12           (A) actual damages sustained by the individual, but that shall not  
13           exceed the amounts specified in 12 V.S.A. § 5601(b); and

14           (B) the costs of the action together with reasonable attorney's fees as  
15           determined by the court.

16           § 4637. PENALTIES

17           (a) The intentional violation of any provision of this chapter or of any rules  
18           adopted under this chapter, by an officer or employee of any agency shall  
19           constitute a cause for discipline, including termination of employment.

20           (b) A person who willfully requests or obtains a record containing personal  
21           information from an agency under false pretenses shall be guilty of a



1 misdemeanor and fined not more than \$5,000.00 per violation or imprisoned  
2 not more than one year, or both.

3 (c) Except for disclosures that are otherwise required or permitted by law,  
4 the intentional disclosure of medical, psychiatric, or psychological information  
5 in violation of the disclosure provisions of this chapter is punishable as a  
6 misdemeanor if the wrongful disclosure results in economic loss or personal  
7 injury to the individual to whom the information pertains.

8 § 4638. CONSTRUCTION WITH OTHER LAWS

9 (a) This chapter shall be construed to supersede any other provision of  
10 State law, including those that authorize an agency to withhold from an  
11 individual a record containing personal information that is otherwise accessible  
12 under the provisions of this chapter.

13 (b) This chapter shall not be deemed to abridge or limit the rights of  
14 litigants, including parties to administrative proceedings, under the laws, or  
15 case law, of discovery of this State.

16 (c) Nothing in this chapter shall be construed to authorize the disclosure of  
17 any record containing personal information, other than to the subject of such  
18 record, in violation of any other law.

19 (d) Nothing in this chapter shall be construed to revoke, modify, or alter in  
20 any manner any statutory provision or any judicial decision that authorizes an

1 individual to gain access to any law enforcement record, or authorizes  
2 discovery in criminal or civil litigation.

3 Sec. 2. RULEMAKING

4 The Agency of Administration shall adopt rules pursuant to 20 V.S.A.  
5 § 4635 on or before March 1, 2027. The Agency shall have the support of the  
6 Agency of Digital Services and the State Archivist in developing the rules that  
7 further the intent of this act.

8 Sec. 3. EFFECTIVE DATES

9 This act shall take effect on July 1, 2027, except that this section (effective  
10 dates) and in Sec. 1 (20 V.S.A. § 4635; rulemaking) shall take effect on  
11 passage.