

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 342 entitled “An act relating to protecting the personal
4 information of certain public servants” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS AND PURPOSE

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

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

18 (c) Accordingly, the provisions of this act are both necessary and
19 appropriate to protect the privacy, safety, and security of public servants and to
20 prevent interference in the administration of justice and the operation of
21 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) “Assignee” means a person or entity to whom a covered person’s
10 right to bring a civil action for a violation of this section has been assigned by
11 the covered person or their authorized agent.

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

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

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

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

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

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

9 (B) employees of:

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

12 (ii) the Vermont Human Rights Commission;

13 (iii) the Department of Corrections;

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

16 (v) the Department of State’s Attorneys and Sheriffs; and

17 (vi) all courts in the State;

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

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

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

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

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

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

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

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

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

6 (11) “Law enforcement officer” has the same meaning as in 20 V.S.A.
7 § 2351a.

8 (12) “Parole and probation officer” means:

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

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

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

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

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

19 (B) home telephone number;

20 (C) personal email address;

21 (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 (15) “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 provided by the Secretary of State, except that no prior verification of
19 a covered person’s or authorized agent’s status shall be required for the notice.
20 The Secretary of State shall publish the form of notice not later than 90 days
21 after July 1, 2025, provided that until such form is published, covered persons

1 and their authorized agents may use their own form of written notice that
2 references this section, identifies the sender as a covered person or an
3 authorized agent acting on behalf of a covered person, and requests that the
4 data broker cease disclosure of the covered person’s protected information.

5 (c) Remedies.

6 (1) A data broker that receives a notice from a covered person or the
7 authorized agent of the covered person pursuant to subdivision (b)(2) of this
8 section that discloses or rediscloses the covered person’s protected information
9 more than:

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

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

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

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

1 (iii) reasonable attorney’s fees and other litigation costs

2 reasonably incurred; and

3 (iv) any other preliminary and equitable relief as the court

4 determines to be appropriate.

5 (2) In any judicial proceeding pursuant to subdivision (1) of this

6 subsection, the standard of fault shall be ordinary negligence. It shall not be a

7 defense to liability in a judicial proceeding that the covered person’s protected

8 information is or was available to the public from other sources, on the internet

9 or otherwise, or available by inspection of public records.

10 (d) Accessing information. A covered person or an authorized agent

11 accessing a data broker’s website or other public application for the purpose of

12 determining whether the covered person’s protected information is being

13 disclosed shall not, as a result of such access, be deemed to have agreed on

14 behalf of the covered person to any website terms and conditions with respect

15 to the covered person’s rights under this section.

16 (e) Limitations.

17 (1) A disclosure of protected information shall not constitute a violation

18 of this section if the disclosure is:

19 (A) made with the express authorization of the covered person,

20 provided that the authorization is provided subsequent to the relevant

21 nondisclosure request; or

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

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

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

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

10 Sec. 3. DELAYED START FOR CERTAIN REMEDIES

11 The remedies provided to a covered person pursuant to 9 V.S.A.
12 § 2448(c)(1)(B) shall take effect on January 1, 2026.

13 Sec. 4. EFFECTIVE DATE

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

15 (Committee vote: _____)

16 _____

17 Representative _____

18 FOR THE COMMITTEE