

1 H.342

2 Representative Marcotte of Coventry moves that the bill be amended by
3 striking out all after the enacting clause and inserting in lieu thereof the
4 following:

5 Sec. 1. FINDINGS AND PURPOSE

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

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

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

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

21 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

1 * * *

2 Subchapter 5. Data Brokers

3 * * *

4 § 2448. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT

5 PERSONAL INFORMATION

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

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

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

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

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

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

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

6 (ii) an employee of:

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

9 (II) the Vermont Human Rights Commission;

10 (III) the Department of Corrections;

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

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

14 (VI) any court in the State; and

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

18 (B) “Covered person” also includes the immediate family of
19 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) no prior verification of a covered person’s or authorized agent’s
20 status shall be required for the notice; and

1 (B) the notice shall include a disclaimer that ceasing disclosure of a
2 covered person’s protected information may complicate certain business
3 transactions.

4 (c) Penalties for violations.

5 (1) Civil penalty and enforcement.

6 (A) 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 15 days after receiving the notice is in violation of this section and
10 shall be assessed a civil penalty of not more than \$10,000.00 for each
11 violation.

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

16 (2) Private action.

17 (A) Subject to the requirements in subdivision (B) of this subdivision
18 (2), a data broker that receives a notice from a covered person or the authorized
19 agent of the covered person pursuant to subdivision (b)(2) of this section and
20 that discloses or rediscloses the covered person’s protected information more
21 than 15 days after receiving the notice is in violation of this section and is

1 subject to a civil action brought in Superior Court by the covered person for
2 the following:

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

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

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

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

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

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

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

3 (3) Standard of fault. In any judicial proceeding pursuant to this section,
4 the standard of fault shall be ordinary negligence. It shall not be a defense to
5 liability in a judicial proceeding that the covered person’s protected
6 information is or was available to the public from other sources, on the internet
7 or otherwise, or available by inspection of public records.

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

14 (e) Limitations.

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

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

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

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

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

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

8 Sec. 3. FORM OF NOTICE

9 The Attorney General shall publish the form of notice pursuant to 9 V.S.A.
10 § 2448(b)(3) not later than 90 days after July 1, 2025, provided that until such
11 form is published, covered persons and their authorized agents may use their
12 own form of written notice that references this section, identifies the sender as
13 a covered person or an authorized agent acting on behalf of a covered person,
14 and requests that the data broker cease disclosure of the covered person’s
15 protected information.

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

17 (a) Study. The Agency of Administration, in consultation with the Agency
18 of Digital Services and the Secretary of State, shall conduct a study to
19 determine the various impacts on State public agencies if public agencies were
20 required to conform to the disclosure policies set forth in this act. The Agency
21 shall meet with and receive testimony from relevant stakeholders in conducting

1 its study, including the Vermont League of Cities and Towns and the Vermont
2 Municipal Clerks' and Treasurers' Association. The Agency shall consider the
3 following in its study:

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

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

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

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

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

13 (3) the feasibility of creating a State office within the Agency to manage
14 all statewide requests to cease disclosing protected information.

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

1 Sec. 5. DELAYED START FOR PRIVATE ACTION

2 The remedies provided to a covered person pursuant to 9 V.S.A.

3 § 2448(c)(2) shall take effect on January 1, 2026.

4 Sec. 6. EFFECTIVE DATE

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