

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:

3           (i) complicate certain business transactions; and

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

6           (c) Penalties for violations.

7           (1) Attorney General enforcement.

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

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

18           (C) The Attorney General shall create a form on its website where a  
19 covered person or an authorized agent of the covered person is able to provide  
20 notice to the Attorney General that more than 15 days have passed since the  
21 covered person or an authorized agent of the covered person submitted a notice

1 to a data broker pursuant to subdivision (b)(2) of this section and that the data  
2 broker continues to disclose or has redisclosed the covered person's protected  
3 information. This form shall require, at minimum, that the covered person  
4 provide the name of the data broker and the covered person's name and  
5 address or phone number.

6 (2) Private action.

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

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

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

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



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

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

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

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

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

20                  (d) Accessing information. A covered person or an authorized agent  
21                  accessing a data broker’s website or other public application for the purpose of

1 determining whether the covered person’s protected information is being  
2 disclosed shall not, as a result of such access, be deemed to have agreed on  
3 behalf of the covered person to any website terms and conditions with respect  
4 to the covered person’s rights under this section.

5 (e) Limitations.

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

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

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

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

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

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

1       Sec. 3. FORM OF NOTICE

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

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

10          (a) Study. The Agency of Digital Services, in consultation with the  
11          Agency of Administration and the Secretary of State, shall conduct a study to  
12          determine the various impacts on State public agencies if public agencies were  
13          required to conform to the disclosure policies set forth in this act. The Agency  
14          shall meet with and receive testimony from relevant stakeholders in conducting  
15          its study, including the Vermont League of Cities and Towns and the Vermont  
16          Municipal Clerks’ and Treasurers’ Association. The Agency shall consider the  
17          following in its study:

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

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

- 1           (B) the fiscal impact on public agencies; and  
2           (C) whether additional staffing or training would be needed to  
3 comply;  
4           (2) how other states have implemented similar requirements on their  
5 public agencies, including the types of penalties levied for noncompliance; and  
6           (3) the feasibility of creating a State office within the Agency to manage  
7 all statewide requests to cease disclosing protected information.

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

16 Sec. 5. DELAYED START FOR PRIVATE ACTION

17           The private action provided to a covered person pursuant to 9 V.S.A.  
18 § 2448(c)(2) shall take effect on January 1, 2026.

19 Sec. 6. EFFECTIVE DATE

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