

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:

5 (i) data broker; and

6 (ii) covered person and at least one element of the covered
7 person's protected information.

8 (2) Private action.

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

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

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

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

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

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

7 (e) Limitations.

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

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

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

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

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

20 (4) Nothing in this section shall be construed to require a data broker to
21 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, the Office of the Secretary of State, the Office of
12 the Attorney General, and with other State agencies as requested by the
13 Agency, shall conduct a study to determine the various considerations and
14 impacts on State public agencies if public agencies were required to conform
15 to the disclosure policies set forth in this act. The Agency shall meet with and
16 receive input from relevant stakeholders in conducting its study, including the
17 Vermont League of Cities and Towns and the Vermont Municipal Clerks’ and
18 Treasurers’ Association. The Agency shall consider the following in its study:

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

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

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

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

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

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

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

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

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

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

1 suggested timeline for the implementation of the disclosure policies on public
2 agencies.

3 Sec. 5. DELAYED START FOR PRIVATE ACTION

4 The private action provided to a covered person pursuant to 9 V.S.A.
5 § 2448(c)(2) shall take effect on January 1, 2026.

6 Sec. 6. EFFECTIVE DATE

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