

H.342 Commerce Committee	H.342 Harvey Amendment
<p>Sec. 1 No changes</p>	<p>Sec. 1 No changes</p>
<p>Sec. 2</p> <p>§ 2448. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT PERSONAL INFORMATION</p> <p>(a) Definitions. As used in this section:</p> <p>(1) “Assignee” means a person or entity to whom a covered person’s right to bring a civil action for a violation of this section has been assigned by the covered person or their authorized agent.</p> <p>(2) “Authorized agent” means any of the following persons or entities authorized to submit or revoke a request for the redaction or nondisclosure of protected information on behalf of a covered person and to engage in communications and enforcement related to the request:</p> <p>(A) a designated trustee or other agent pursuant to a written power of attorney or other legal instrument on behalf of any covered person who is physically or mentally incapacitated;</p> <p>(B) a parent or legal guardian on behalf of any child who is a minor and who is otherwise entitled to address redaction or nondisclosure pursuant to this section; and</p> <p>(C) a person or entity who has been appointed pursuant to a notarized document by a covered person to act for the covered person for the submission or revocation of requests for redaction or nondisclosure of protected information.</p> <p>(3) “Covered person” means any of the following individuals:</p> <p>(A) active or former judges, law enforcement officers, federal law enforcement officers, prosecutors, public defenders, parole and probation officers, and members of the Vermont Parole Board;</p> <p>(B) employees of:</p>	<p>Sec. 2</p> <p>§ 2444. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT PERSONAL INFORMATION</p> <p>(a) Definitions. As used in this section:</p> <p>(1) “Authorized agent” means any of the following persons or entities authorized to submit or revoke a request for the redaction or nondisclosure of protected information on behalf of a covered person and to engage in communications and enforcement related to the request:</p> <p>(A) a designated trustee or other agent pursuant to a written power of attorney or other legal instrument on behalf of any covered person who is physically or mentally incapacitated;</p> <p>(B) a parent or legal guardian on behalf of any child who is a minor and who is otherwise entitled to address redaction or nondisclosure pursuant to this section; and</p> <p>(C) a person or entity who has been appointed pursuant to a notarized document by a covered person to act for the covered person for the submission or revocation of requests for redaction or nondisclosure of protected information.</p> <p>(2) “Commercial entity” means any business, corporation, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, or association engaged in the buying or selling of goods or services for profit.</p> <p>(3) “Covered person” means any of the following individuals:</p> <p>(A) active or former judges, government lawyers, law enforcement officers, federal law enforcement officers, jurors, members of the General Assembly, parole and probation officers, and members of the Vermont Parole Board;</p> <p>(B) employees of:</p>

(i) the Family Services Division of the Department for Children and Families;
(ii) the Vermont Human Rights Commission;
(iii) the Department of Corrections;
(iv) the Department of Public Safety, including the Vermont State Police;
(v) the Department of State’s Attorneys and Sheriffs; and
(vi) all courts in the State;
(C) investigators, victim advocates, mental health crisis workers, and embedded crisis specialists that are employed or work on a contract basis for any of the entities listed in subdivision (3)(B) of this subsection; and
(D) the immediate family of individuals identified in subdivisions (A)–(C) of this subdivision (3).
(4) “Data broker” has the same meaning as set forth in section 2430 of this title. As used in this section, “data broker” shall exclude governmental agencies and their representatives acting in their official capacities.
(5) “Disclose,” “disclosing,” or “disclosure” means to solicit, sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, post, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, or include within a searchable list or database, regardless of whether any person has actually searched the list or database. “Disclose” does not include an organization maintaining protected information completely inaccessible and unviewable to any person outside of the organization.
(6) “Federal law enforcement officer” has the same meaning as in 18 U.S.C. § 115(c)(1) but is limited to those individuals who work or reside in Vermont.

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

(i) the Family Services Division of the Department for Children and Families;
(ii) the Vermont Human Rights Commission;
(iii) the Department of Corrections;
(iv) the Department of Public Safety, including the Vermont State Police;
(v) the Department of State’s Attorneys and Sheriffs; and
(vi) all courts in the State;
(C) investigators, victim advocates, mental health crisis workers, and embedded crisis specialists who are employed or work on a contract basis for any of the entities listed in subdivision (B) of this subdivision (3); and
(D) the immediate family of individuals identified in subdivisions (A)–(C) of this subdivision (3).

(4) “Disclose,” “disclosing,” or “disclosure” means to publicly post.

(5) “Federal law enforcement officer” has the same meaning as in 18 U.S.C. § 115(c)(1) but is limited to those individuals who work or reside in Vermont.
(6) “Government lawyer” means a licensed attorney who practices law in Vermont in the capacity as a State or federal employee.
(7) “Home address” means a partial or complete street address or other information that reveals a home’s location, including tax parcel ID, legal property description, or geographic coordinates.

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

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

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

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

(12) “Parole and probation officer” means:

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

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

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

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

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

(B) home telephone number;

(C) personal email address;

(D) Social Security number or driver’s license number; and

(E) license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by a covered person.

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

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

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

(11) “Juror” means an individual who has served on a Vermont jury in the last 18 months.

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

(13) “Parole and probation officer” means:

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

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

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

(i) home address, including primary residence and any secondary residences;

(ii) home telephone number;

(iii) personal email address;

(iv) Social Security number or driver’s license number; and

(v) license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by a covered person.

(B) “Protected information” does not include protected information that a covered person voluntarily and publicly discloses on or after July 1, 2025.

(15) “Public defender” means the Defender General, Deputy Defender General, public defenders, or deputy public defenders who provide legal services to persons in need as set forth in 13 V.S.A. chapter 163.

(b) Nondisclosure of protected information.

(1) A covered person or an authorized agent of the covered person has the right through this section to send a notice to a data broker requesting that the data broker cease disclosure or redisclosure of the covered person’s protected information.

This language exists below -->

(2) Upon a data broker receiving physical or electronic notice from a covered person, or an authorized agent of the

(15) “Public agency” has the same meaning as in 1 V.S.A. § 317.

(b) Nondisclosure of protected information.

(1) Notice.

(A) A covered person or an authorized agent of the covered person has the right through this section to send a notice to a public agency or commercial entity requesting that the public agency or commercial entity cease disclosure or redisclosure of the covered person’s protected information.

(B) The notice as set forth in subdivision (A) of this subdivision (1) shall be in a form provided by the Secretary of State, except that no prior verification of a covered person’s or authorized agent’s status shall be required for the notice. The Secretary of State shall publish the form of notice not later than 90 days after July 1, 2025, provided that until such form is published, covered persons and their authorized agents may use their own form of written notice that references this section, identifies the sender as a covered person or an authorized agent acting on behalf of a covered person, and requests that the public agency or commercial entity cease disclosure of the covered person’s protected information.

(2) Requirements.

(A) Unless otherwise required by law, upon a public agency receiving physical or electronic notice from a covered person, or an authorized agent of the covered person, requesting that the public agency cease disclosing or redisclosing protected information of the covered person, the public agency shall cease disclosing the protected information not later than 15 days after receipt of the notice and shall not disclose or redisclose the protected information after that time. The requirements in this subdivision (A) shall not be construed to limit or affect the rights persons have pursuant to subsection 2440(f) of this title.

(B) Upon a commercial entity receiving physical or electronic notice from a covered person, or an authorized agent

covered person, requesting that the data broker cease disclosing or redisclosing protected information of the covered person, the data broker shall cease disclosing the protected information not later than 15 days after receipt of the notice and shall not disclose or redisclose the protected information after that time.

(3) The notice as set forth in subdivision (2) of this subsection shall be in a form provided by the Secretary of State, except that no prior verification of a covered person's or authorized agent's status shall be required for the notice. The Secretary of State shall publish the form of notice not later than 90 days after July 1, 2025, provided that until such form is published, covered persons and their authorized agents may use their own form of written notice that references this section, identifies the sender as a covered person or an authorized agent acting on behalf of a covered person, and requests that the data broker cease disclosure of the covered person's protected information.

(c) Remedies.

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

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

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

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

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

of the covered person, requesting that the commercial entity cease disclosing or redisclosing protected information of the covered person, the commercial entity shall cease disclosing the protected information not later than 15 days after receipt of the notice and shall not disclose or redisclose the protected information after that time.

<--- This language exists above

(3) Injunction.

(A) A public agency or commercial entity that receives a notice from a covered person or an authorized agent of the covered person pursuant to subdivision (2) of this subsection (b) that discloses or rediscloses the covered person's protected information more than 15 days after receiving the notice is in violation of this section and shall be subject to an injunction in a civil action brought in Superior Court by the covered person.

(B) A public agency or commercial entity that violates an injunction granted by a court pursuant to subdivision (A) of this subdivision (3) is liable to the covered person for reasonable attorney's fees and court costs.

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

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

(2) In any judicial proceeding pursuant to subdivision (1) of this subsection, the standard of fault shall be ordinary negligence. It shall not be a defense to liability in a judicial proceeding that the covered person's protected information is or was available to the public from other sources, on the internet or otherwise, or available by inspection of public records.

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

(e) Limitations.

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

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

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

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

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

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

This language exists above --->

(C) In any judicial proceeding pursuant to subdivision (A) of this subdivision (3), the standard of fault shall be ordinary negligence.

<--- This language exists below

(4) Limitations.

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

(i) made with the express authorization of the covered person, provided that the authorization is provided subsequent to the relevant nondisclosure request; or

(ii) for the sole purpose of facilitating a transaction initiated by the covered person.

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

(C) Nothing in this section shall be construed to require a public agency or commercial entity to delete protected information.

(D) A covered person or an authorized agent accessing a commercial entity's website or other public

	<p><u>application for the purpose of determining whether the covered person’s protected information is being disclosed shall not, as a result of such access, be deemed to have agreed on behalf of the covered person to any website terms and conditions with respect to the covered person’s rights under this section.</u></p>
<p>Sec. 3. DELAYED START FOR CERTAIN REMEDIES <u>The remedies provided to a covered person pursuant to 9 V.S.A. § 2448(c)(1)(B) shall take effect on January 1, 2026.</u></p>	<p>Sec. 3. REPORTING ON INJUNCTIONS <u>On or before February 15 of each year commencing in 2026 and ending in 2031, the State Court Administrator shall submit a report to the House Committee on Judiciary and the Senate Committee on Judiciary identifying the following from the previous calendar year:</u> <u>(1) the number of injunctions pursuant to this act filed, granted, denied, and appealed;</u> <u>(2) for injunctions that were granted, the number that were subsequently violated;</u> <u>(3) for injunctions that were violated, the amount in attorney’s fees and court costs awarded in each case; and</u> <u>(4) any additional information or data the Administrator believes is relevant to the report.</u></p>
<p>Sec. 4. EFFECTIVE DATE <u>This act shall take effect on July 1, 2025.</u></p>	<p>Sec. 4. EFFECTIVE DATE <u>This act shall take effect on July 1, 2025.</u></p>