

February 10, 2026

The Honorable Michael Marcotte
Chair, House Committee on Commerce and Economic Development
Vermont General Assembly
State Capitol Building
115 State Street
Montpelier, Vermont 05633

RE: House Bill 639 (Scheu) – Genetic Information Privacy – Additional Comments

Dear Chair Marcotte -

After monitoring your committee's hearing on H.639, relative to genetic privacy, on February 5, 2026 - I am providing additional information that committee members stated they would like from industry:

Law Enforcement Access. Ancestry publishes a Guide for Law Enforcement¹ detailing our policies on disclosing information to law enforcement and how law enforcement can make requests. We do not provide genetic information of our users to law enforcement without a valid legal process.

Additionally, Ancestry publishes a privacy transparency report detailing the number of requests we have received from law enforcement and government entities². Based on our records, Ancestry has not disclosed a consumer's genetic data to law enforcement or government agencies during the 14 years that we have offered genetic testing services.

States have reached different conclusions as to whether genetic privacy bills should include explicit provisions clarifying that a covered company may respond to a valid search warrant or court order for genetic information without the informed or explicit consent of the individual to whom the warrant or order pertains. Should Vermont opt to include an express provision, Minnesota's law provides an example:

A direct-to-consumer genetic testing company shall not disclose genetic data to law enforcement or any other governmental agency without a consumer's express written consent, unless the disclosure is made pursuant to a valid search warrant or court order.

¹ <https://www.ancestry.com/c/legal/lawenforcement>

² <https://www.ancestry.com/c/transparency/govt-and-law-enforcement>

Additionally, in 2023, at the request of law enforcement stakeholders, the model genetic privacy framework sponsored by Ancestry was revised to include an exemption for biological samples and the genetic data derived from them if the biological sample was legally collected from a crime scene or from unidentified human remains. This clarification was intended to ensure that law enforcement may continue to use biological samples or genetic data for criminal investigative genetic genealogy purposes on platforms where consumers have explicitly consented for their data to be used for that purpose.

Although Ancestry does not allow its services to be used by law enforcement for any judicial proceedings or criminal investigation, services like GEDMatch do allow such uses only when a consumer has provided a separate express consent that their data may be used in service of solving cold cases.

If Vermont is interested in adding these explicit exemptions, the language is as follows:

This chapter does not apply to:

- (x) Biological samples or genetic data lawfully obtained by law enforcement from a crime scene reasonably suspected to belong to a putative suspect in a criminal case.*
- (x) Biological samples or genetic data obtained from a deceased individual whose identity is unknown solely for the purposes of identifying them.*

Non-Discrimination. Ancestry does not charge different subscription rates for DNA customers versus non-DNA customers. Exercising one's rights under the proposed law would not lead to any disparate experience of our website except in cases where an individual is making choices that would impact our ability to provide DNA-related services. For example, if you request to delete your genetic data and have your sample destroyed, you will no longer be able to access your genetic results or any features that require genetic information. All other services would still be available with no cost differential between DNA and non-DNA customers.

Illinois GIPA Lawsuits. Shortly after Ancestry was acquired by a private-equity firm in 2020, a lawsuit was filed against the private-equity firm in Illinois alleging that in the course of the transaction, Ancestry must have transferred genetic data to the private-equity firm and therefore a violation of the Illinois GIPA provision that prohibits the disclosure of genetic information without the user's consent. This claim was false - Ancestry never transferred genetic data to the private-equity firm during or following the transaction. The private equity firm immediately filed for summary judgment noting that even if the plaintiff's assertion was factually accurate (which it was not), nothing in the statute prohibits an entity from receiving genetic information. In short, they sued the wrong party.

After those claims were dismissed, Ancestry was directly sued based on the same meritless claim. While the private equity firm acquired a financial interest in the company, at no time was genetic data transferred from Ancestry to the private equity firm. It took more than a year of the court's time and back-and-forth filings before the cases were dismissed.

There are additional pending lawsuits under Illinois GIPA that we believe are without merit, but cannot provide further comment due to the ongoing litigation.

What's Curable in a Cure Period. Several individuals commented that once an individual's DNA is improperly disclosed that there is no possible cure and potentially irreversible harm. We would like to note several important facts to provide a fuller picture of the types of data we hold and the types of data governed by this bill.

First, Ancestry does not do whole genome sequencing. We focus on a narrow set of genetic markers that provide information regarding an individual's genealogical makeup and how their genes have migrated across the globe over time. While the number of markers we identify are significant enough to match to an individual with certainty, it is not the entirety of an individual's genome.

Second, the bill defines genetic information broadly to include information *derived* from the raw genetic information. Much of this data can also be ascertained in other ways. For example - my AncestryDNA results may tell me that I'm 50% Italian, but so too did my grandparents. The former is genetic data under the scope of this bill; the latter is not. And how certain datasets came to exist in our system can determine if they are in scope of the law or not. Ethnicity information is always sensitive personal information in privacy terms, but only *sometimes* genetic information under this statute.

Finally, the improper transfer or disclosure of a consumer's genetic information is but one of many provisions in the proposed bill. There are myriad technical provisions that are curable, (those that govern how certain legal documents must be drafted, how consents may be revoked, instructions on how to exercise rights, etc.) Providing a private right of action with a right to cure could trigger lawsuits for potentially millions in damages for technical glitches that we discovered and fixed before any privacy harm occurred. There would be no distinction in the enforcement mechanism in this bill between minor administrative errors and material errors.

We appreciate the opportunity to engage on H.639. Please let me know if there is any other information we can provide to assist the committee in its deliberations. I am happy to testify again by Zoom next week if that would facilitate the committee's work.

Sincerely,



Ritchie Engelhardt
Head of Government Affairs
Ancestry

cc: Members, House Committee on Commerce and Economic Development