

Good Afternoon,

Deleting public records from commercial databases would negatively impact Vermonters as outlined below.

- A company such as LexisNexis aggregates a public records database, working with states to make sure the data is as accurate and up to date as possible so that businesses of all sizes can reliably obtain services that provide the strongest possible identity verification and fraud prevention services. Impacts of consumers deleting their records from our database:
 - Criminals can delete their information and record of their criminal behavior.
 - Consumers can no longer be easily verified online. This is particularly problematic for consumers who may live remotely or have difficulty traveling to brick-and-mortar businesses, or where a business is online only.
 - Verification protects consumers from fraud by having enough information about that consumer to flag suspicious or fraudulent behavior.
 - Consumers would need to start from scratch when opening accounts. New accounts are highly vulnerable to fraud because of the lack of consumer history.
 - Shopping for financial services, insurance, and retail services would be more difficult, and consumers would not necessarily be aware of these impacts when requesting deletion.
 - Public records flagging risky behavior would be unavailable to insurers when underwriting risk.

Other impacts to consider:

Missing and Exploited Children

- The National Center for Missing & Exploited Children (NCMEC) uses public records data and analytics to rapidly aggregate data from multiple public sources into a single interface to help locate missing children.
- LexisNexis designed and donates the Automated Delivery of Alerts on Missing Children (ADAM) Program^[1] to NCMEC, which rapidly distributes missing-child posters and geo-targeted alerts to law enforcement, media, schools, businesses, medical centers, and the public to help locate missing children.
- Together, these tools help law enforcement generate leads, identify connections, and accelerate the recovery of missing children.

Deletion consequence: Criminals can delete their data, removing it from databases used to locate missing children.

Locating Non-Custodial Parents

- LexisNexis helps child support agencies locate parents who owe child support and whose whereabouts are unknown.

- By aggregating public records, incarceration data, employment information, addresses, and other data points, these tools help agencies serve notices, enforce support orders, and track compliance.

Deletion consequence: Biological parents seeking to evade child support or parental responsibilities could delete their data.

Assisting Small Businesses

- Aggregating public records across jurisdictions makes them searchable and usable for small businesses that lack the resources to compile the data themselves.
- While the records are already public, aggregation makes them practical and useful.

Examples include:

- Lenders: Aggregate liens, bankruptcies, licensing data, and payment history to better assess risk and extend credit, including to underbanked consumers.
- Banks and Credit Unions: Aggregate data for identity verification and anti-money laundering compliance.
- Insurers: Aggregate property records, claims history, geographic data, and building permits to assess risk and price policies more accurately.
- Real Estate and Property Management Firms: Aggregate data to research property ownership, mortgage details, and conduct tenant screening.

LexisNexis aggregates public records data to help locate missing and exploited children, locate non-custodial parents, verify identities, prevent fraud, and provide other risk-management services to businesses and government.

H.211 would effectively strip public records of their public character simply because the information is combined, collated, or sold, or derived from data combined, collated, or sold.

Under Vermont public records statute, public records are legally considered records held in trust for the public. In other words, Vermont public records belong to Maine residents. This definition would convert public records containing personally identifying information about Vermont residents to private information, creating a conflict with existing public records law.

Information released by the state as public should not be re-regulated downstream as private. Doing so would create uncertainty for regulated entities and invite litigation over what qualifies as public.

Inferences drawn from public information are not new disclosures, and public data does not become private merely because it is combined with other public and lawfully obtained data.

[1] Over 94% of the missing children cases distributed through the ADAM Program since its inception in 2000, are now resolved through photo distribution or other efforts.