

H.211 - An act relating to data brokers and personal information

Tracy Locklin, Management Director, National Student Clearinghouse - Zoom

Sarah Ohs, Director of Government Relations, Consumer Data Industry Association

Rick Gardner, Global Data Protection Officer, LexisNexis Risk Solutions

Dylan Zwicky, Leonine Public Affairs, Partner, RELX

Ryan Kriger, Privacy Enforcement Attorney, Vermont Resident

Emory Roane, Associate Director of Policy, Privacy Rights Clearing House - Zoom

Rik Sehgal, Legislative Counsel, Office of Legislative Counsel

Testimony

- National Student Clearinghouse request to be exempt.
 - Likely to be included in the bill. Clearinghouse falls under the definition of data broker, but argued that they are already regulated by FERPA, which deletion requests might interfere with and ultimately cause problems for students.
 - Also argue that under the bill they are classified a data broker even though they don't sell data for profit.
 - Strong support from committee for this exemption
- The Consumer Data Industry association also argued for exemptions.
 - Asking for a stronger privacy bill to be put in place before a bill similar to H.211 takes effect.
- Testimony broadly seeking targeted exemption if data uses cases are currently covered by FCRA, GLBA, and DPPA exemptions.
- Strong pushback on Ryan Kriger on all requests for exemptions. Also arguing for private right of action in possible data broker cases.

Committee Response

- Positive about incorporating exemption language for FRCA, GLBA, and DPPA, or similar exemption language.
- The committee also mentioned a lack of feasible to create a centralized deletion mechanism right now.

- Privative right of action likely to stay.
 - Sense of urgency in the Committee to move ahead quickly.
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H.512 - An act relating to the event ticketing market

Amendment Walk-Through

Cameron Wood, Legislative Counsel, Office of Legislative Counsel

Todd Daloz, Director of Policy and Legislative Affairs, Attorney General's Office

Brian Berry, Executive Director, Ticket Policy Forum

Susan Evans McClure, Executive Director, Vermont Arts Council - Zoom

Amendments

- Defining reseller as an entity whose primary business is the sale or resale of tickets, or an individual who engages in resale of more than 5 tickets in a 12 month period.
 - Sen. Chittenden still wants more freedom for individuals, who are not business entities, who resell tickets.
 - Discussed changing language back to “person” rather than business entity to include both business entities and individuals in definition. Supported by AG’s office for ease of enforcement.
- Specified that the ticket must be for an event in the state of Vermont.
- Keeping the price cap 110 percent.
 - Still some debate about this, no consensus yet.
- 110 percent price cap shall not apply if there is a written contract between the reseller and venue.
- Likely to add a face value disclosure requirement for re-selling.
- Sunset July 1, 2028.

Committee Response:

- The dominating debate was over the definition of reseller.
- Still discussion about price cap, 110 percent seems likely.
- Supportive overall, likely only minor changes before leaving committee
- Also urgency to get the bill done quickly.