

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred House Bill No. 211 entitled “An act relating to data brokers
4 and personal information” respectfully reports that it has considered the same
5 and recommends that the Senate propose to the House that the bill be amended
6 as follows:

7 First: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 1, in section 2430, by
8 striking out subdivision (16)(B) in its entirety and inserting in lieu thereof a
9 new subdivision (16)(B) to read as follows:

10 (B) “Publicly available information” does not include:

11 (i) biometric data collected by a business about a consumer
12 without the consumer’s knowledge;

13 (ii) any obscene visual depiction, as defined in 18 U.S.C. § 1460;

14 (iii) genetic data, unless otherwise made publicly available by the
15 consumer to whom the information pertains; or

16 (iv) intimate images, authentic or computer-generated, known to
17 be nonconsensual.

18 Second: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, in
19 subdivision (a)(4), by striking out subdivision (A) in its entirety and inserting
20 in lieu thereof a new subdivision (A) to read as follows:

1 (A) the name and primary physical, ~~e-mail, and Internet addresses~~
2 email, and internet addresses and phone number of the data broker;

3 Third: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, in
4 subdivision (a)(4)(E), by striking out subdivision (ii) in its entirety and
5 inserting in lieu thereof a new subdivision (ii) to read as follows:

6 (ii) in the past year, has shared consumers' data with or sold
7 consumers' data to:

8 (I) a foreign actor;

9 (II) the federal government;

10 (III) other state or local governments;

11 (IV) law enforcement, unless the data was shared pursuant to a
12 subpoena or other court order; or

13 (V) a developer of a GenAI system or model;

14 Fourth: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, in
15 subdivision (a)(4)(I)(i), by striking out "pursuant to subsection (c) of this
16 section" and inserting in lieu thereof "if the data broker permits deletion"

17 Fifth: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, by
18 striking out subsection (c) in its entirety and by relettering the remaining
19 subsections to be alphabetically correct.

1 Sixth: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446, by
2 striking out the newly relettered subsection (c) in its entirety and inserting in
3 lieu thereof a new subsection (c) to read as follows:

4 (c) Consumer rights web page. The Secretary of State shall create and
5 maintain a publicly accessible page on its website that provides consumers
6 with the following:

7 (1) a downloadable spreadsheet of data brokers that have registered with
8 the State along with the information a data broker provides during registration
9 pursuant to subsection (a) of this section; and

10 (2) any additional information about the rights consumers have pursuant
11 to this subchapter.

12 Seventh: In Sec. 1, 9 V.S.A. chapter 62, in subchapter 5, in section 2446,
13 by adding a new subsection to be subsection (e) to read as follows:

14 (e) Definitions. As used in this subchapter, “consumer” means an
15 individual residing in this State and does not include an individual acting in a
16 commercial or employment context or as an employee, owner, director, officer,
17 or contractor of a company, partnership, sole proprietorship, nonprofit
18 organization, or government agency whose communications or transactions
19 with the data broker occur solely within the context of that individual’s role
20 with the company, partnership, sole proprietorship, nonprofit organization, or
21 government agency.

1 (7) the Director of Vermont Emergency Management or designee;

2 (8) the Governor’s Homeland Security Advisor or designee;

3 (9) the Vermont Adjutant General or designee;

4 (10) the Attorney General or designee; ~~and~~

5 (11) the President of Vermont Information Technology Leaders or
6 designee;

7 (12) the Chair of the House Committee on Energy and Digital
8 Infrastructure;

9 (13) the Chair of the Senate Committee on Institutions; and

10 (14) a representative from the Judiciary, appointed by the Chief Justice
11 of the Supreme Court.

12 * * *

13 Ninth: By adding a new section to be Sec. 3a to read as follows:

14 Sec. 3a. 2023 Acts and Resolves No. 71, Sec. 4 is amended to read:

15 Sec. 4. REPEAL

16 20 V.S.A. chapter 208 (cybersecurity) is repealed on June 30, ~~2028~~ 2033.

17 Tenth: By adding a reader assistance heading and a new section to be Sec.
18 4 to read as follows:

19 * * * Educational Technology * * *

20 Sec. 4. 9 V.S.A. chapter 62 is amended to read:

21 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

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Subchapter 3A. Student Privacy

§ 2443f. ENFORCEMENT

(a) A person who violates a provision of this ~~chapter~~ subchapter commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

(b) The Attorney General has the same authority to adopt rules to implement the provisions of this subchapter and to conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under chapter 63, subchapter 1 of this title.

Subchapter 3B. Educational Technology

§ 2444a. REGISTRATION

(a) Definitions. As used in this section:

(1)(A) “Educational technology product” and “product” mean any software, application, or platform that may collect, process, or transmit student data and that is used for teaching and learning purposes in a school in Vermont.

(B) “Educational technology product” and “product” does not include:

(i) hardware or other physical devices; or

1 (ii) a product that is being used in a school without the knowledge
2 of the provider.

3 (2) “Filing” means an initial registration, amendment, periodic report, or
4 other filing with the Secretary of State as the Secretary may require.

5 (3) “Provider of an educational technology product” and “provider”
6 mean a person that provides an educational technology product that is in use at
7 a school.

8 (4) “School” means a public school or an independent school approved
9 pursuant to 16 V.S.A. § 166 and includes school districts.

10 (5) “School district” has the same meaning as in 16 V.S.A. § 11(a).

11 (b) Mandatory data reporting. In addition to all other requirements of a
12 person registering with the Secretary of State pursuant to State law, a person
13 doing business in this State as a provider of an educational technology product
14 shall, at the time of a filing, provide the following:

15 (1) the name and primary physical, email, and internet addresses of the
16 person;

17 (2) a link to the most recent version of the privacy policy and terms and
18 conditions of each product in use in any school;

19 (3) the name of each school in which the provider is operating pursuant
20 to a paid contract;

