

# VT PUBLIC SERVANT PERSONAL INFORMATION PROTECTION ACT OVERVIEW

*[Updated as H.342 Passed the House]*

## SUMMARY

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This bill aims to protect the sensitive personal information of certain Vermont public servants, including judges, prosecutors, public defenders, law enforcement officers, parole and probation officers, and employees of the Family Services Division of the Department for Children and Families, the Departments of Corrections and Public Safety, and the Vermont Human Rights Commission, as well as their immediate families. The bill allows these "covered persons" to request that data brokers cease disclosing their "protected information," which includes home addresses, personal phone numbers, personal email addresses, social security numbers, driver's license numbers, and license plate numbers.

## BACKGROUND

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Vermont's public servants play an essential role in the functioning of government and the nature of their duties often places themselves and their families at risk of harm. There is a growing concern about violence and intimidation directed at public servants and their families, and the public availability of personal information, especially home addresses and phone numbers, can facilitate such threats. The legislature has determined that this personal information is of negligible value to the public interest, and its protection is necessary for the safety and security of public servants and the prevention of interference with the administration of justice. Recent incidents across the country have highlighted the dangers faced. Threats and harassment against judges, election officials, and other public servants have increased significantly. In some cases, personal information obtained online has been used to target individuals and their families. This bill is inspired by and modeled after "Daniel's Law" which was passed by New Jersey after a federal judge in that state was targeted for assassination and her 20-year old son, Daniel, was murdered at their family home in the ensuing attack.

## PROBLEM

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- **Increased Threats and Harassment:** Public servants and their families are facing a rising tide of threats, harassment, and intimidation.
- **Easy Access to Personal Information:** Data brokers collect and sell personal information, including home addresses and contact information, making it readily available to anyone who wishes to obtain it.
- **Doxing:** The practice of "doxing," or publicly revealing private information about an individual online with malicious intent, has become increasingly common.
- **Impact on Recruitment and Retention:** Concerns about personal safety and privacy can deter individuals from pursuing or continuing careers in public service.
- **Interference with Government Functions:** Threats and intimidation can disrupt the ability of public servants to perform their duties effectively and impartially.

## SOLUTION

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This bill seeks to address these concerns by:

- **Creating a Right to Nondisclosure:** Allowing covered persons (or their authorized agent, if they appoint one via a notarized power of attorney) to request that data brokers stop disclosing their protected information.
- **Defining "Protected Information":** Specifying the types of personal information covered by the bill, including home addresses, personal phone numbers, personal email addresses, social security numbers, driver's license numbers, and license plate numbers.
- **Defining "Covered Person":** Including active or former judges, law enforcement officers, prosecutors, public defenders, parole and probation officers, and employees of the Family Services Division of the Department for Children and Families, the Departments of Corrections and Public Safety, and the Vermont Human Rights Commission; and their immediate family.
- **Establishing a Notice Process:** Requiring covered persons to submit a notice to data brokers, in a form and manner to be determined by the Attorney General (AG). No prior verification of covered person status is required for the notice.
- **Exemptions:** Providing exemptions for disclosures made with the express authorization of the covered person, for the sole purpose of facilitating a transaction initiated by the covered person.
- **Constitutionality:** Daniel's Law has been litigated in court and upheld as constitutional by both the New Jersey Appellate Division and the federal courts.

## DEFINITIONS

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The bill defines key terms. Some highlights include:

- **"Data broker":** has the same meaning as elsewhere in Vermont state law, but \*excludes\* government agencies acting in their official capacities.
- **"Disclose":** 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.
- **"Immediate family":** as used in this bill, has the same meaning as in existing Vermont statute.

## ENFORCEMENT MECHANISM

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**Attorney General Enforcement:** If a data broker continues to disclose a covered person's protected information more than 15 days after receiving a valid nondisclosure request, they may be fined up to \$10,000 per violation. The AG can enforce the law through investigations, civil actions, rulemaking, and other enforcement tools as provided in Vermont's consumer protection statutes. The AG must provide an online form for reporting violations.

**Private Right of Action:** Covered persons (or their authorized agents) can sue if their protected information is disclosed after the 15-day window. Remedies include: actual or liquidated damages (minimum \$1,000 per violation), punitive damages (for willful/reckless violations), attorney’s fees and court costs, equitable relief (e.g., injunctions). If the data broker ceases disclosure after being served with a lawsuit, they are only liable for court costs and attorney’s fees—unless they disclose again after the lawsuit starts or had previously delayed compliance after the original request.

**Negligence Standard:** The legal standard for violations is ordinary negligence—not requiring intent or recklessness. It is not a defense that the same information is publicly available elsewhere.

## **STUDY & REPORT ON PUBLIC AGENCY COMPLIANCE**

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The bill directs the Agency of Digital Services, in collaboration with other state entities, to study the feasibility and implications of requiring public agencies to stop disclosing protected personal information of covered public servants. The study must assess the operational, fiscal, legal, and staffing impacts of such a mandate; explore how other states have implemented similar protections; consider the creation of a centralized state office to manage these requests; and identify necessary statutory or policy changes. The Agency must consult stakeholders, including local government representatives, and submit a report with findings, recommendations, and an implementation timeline to the Legislature by December 1, 2026.

## **EFFECTIVE DATE**

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The Act would take effect on July 1, 2025. Civil penalties would not take effect until January 1, 2026. By creating a mechanism for public servants to protect their personal information, this bill aims to enhance their safety, reduce the risk of harassment and intimidation, and ensure the continued effective functioning of state and local government.

## VT H.342 QUICK REFERENCE

### Rights of Covered Persons:

Covered persons or their authorized agents may request data brokers to cease the disclosure of the covered person's protected information. This detailed classification and the related protections are designed to safeguard covered persons against threats or intimidation arising from public exposure of their personal information.

The full extent of what constitutes "covered persons" according to Vermont's H.342, as passed by the House, includes:

### Covered Persons Defined:

Covered persons include individuals who currently or formerly hold the following roles:

- **Judges**
- **Law enforcement officers**
- **Federal law enforcement officers**
- **Prosecutors**
- **Public defenders**
- **Parole and probation officers**
- **Members of the VT Parole Board**

Additionally, it covers current or former employees of:

- **Family Services Division of the Dept. for Children & Families**
- **Vermont Human Rights Commission**
- **Dept. of Corrections**
- **Dept. of Public Safety**, including the Vermont State Police
- **Dept. of State's Attorneys & Sheriffs**
- **Any court in the State of Vermont**

Also included are: **investigators, victim advocates, mental health crisis workers, or embedded crisis specialists employed by or contracted with the above entities**

Furthermore, "covered persons" explicitly includes: **immediate family members** of the individuals listed above.

### Definitions from Vermont Statutes Referenced:

**Federal law enforcement officer** aligns with the definition provided in **18 U.S.C. § 115(c)(1)** but is limited to those who work or reside in Vermont.

**Law enforcement officer** refers to the definition in **20 V.S.A. § 2351a**.

**Immediate family** is defined as provided in **3 V.S.A. § 1201**.

### Protected Information Defined:

The personal information protected under this statute for these covered persons includes:

- **Home addresses** (primary and secondary residences, tax parcel ID, legal property descriptions, geographic coordinates)
- **Home telephone numbers** (landline and cellular)
- **Personal email addresses**
- **Social Security numbers and driver's license numbers**
- **Vehicle identifiers** (license plate numbers or other unique identifiers for vehicles owned, leased, or regularly used)