

VT PUBLIC SERVANT PERSONAL INFORMATION PROTECTION ACT OVERVIEW

SUMMARY

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. Data brokers that fail to comply with a nondisclosure request within 15 days of receiving notice may be subject to injunctive action and may be subject to civil penalties if they do not comply within 30 days of receiving notice.

BACKGROUND

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

- **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

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 Secretary of State. No prior verification of covered person status is required for the notice.
- **Imposing a Deadline for Compliance:** Requiring data brokers to cease disclosing the protected information within 15 days of receiving a valid notice.
- **Creating Penalties for Noncompliance:** If a data broker does not comply within the 15-day deadline they may be subject to injunctive action. If they do not comply within 30 days then they may be subject to civil penalties, including actual damages or liquidated damages of \$1,000 per violation, punitive damages for willful or reckless violations, and attorney's fees and costs. A covered person or the covered person's assignee may bring an action in civil court.
- **Standard of Fault:** Clarifying the standard of fault as ordinary negligence in judicial proceedings.
- **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

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.

EFFECTIVE DATE

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.