

**9 V.S.A. § 2446**

Current through Act Nos. 104 and M-21 of the 2023 Adjourned Session of the 2023-2024 Vermont General Assembly

*Vermont Statutes Annotated > Title 9 Commerce and Trade (Pts. 1 — 8) > Part 3. Sales, Assignments, and Secured Transactions (Chs. 41 — 68) > Chapter 62. Protection of Personal Information (Subchs. 1 — 5) > Subchapter 5. Data Brokers (§§ 2446 — 2447)*

**§ 2446. Annual registration**

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(a) Annually, on or before January 31 following a year in which a person meets the definition of data broker as provided in section 2430 of this title, a data broker shall:

- (1) register with the Secretary of State;
- (2) pay a registration fee of \$100.00; and
- (3) provide the following information:
  - (A) the name and primary physical, e-mail, and Internet addresses of the data broker;
  - (B) if the data broker permits a consumer to opt out of the data broker's collection of brokered personal information, opt out of its databases, or opt out of certain sales of data:
    - (i) the method for requesting an opt-out;
    - (ii) if the opt-out applies to only certain activities or sales, which ones; and
    - (iii) whether the data broker permits a consumer to authorize a third party to perform the opt-out on the consumer's behalf;
  - (C) a statement specifying the data collection, databases, or sales activities from which a consumer may not opt out;
  - (D) a statement whether the data broker implements a purchaser credentialing process;
  - (E) the number of data broker security breaches that the data broker has experienced during the prior year, and if known, the total number of consumers affected by the breaches;
  - (F) where the data broker has actual knowledge that it possesses the brokered personal information of minors, a separate statement detailing the data collection practices, databases, sales activities, and opt-out policies that are applicable to the brokered personal information of minors; and
  - (G) any additional information or explanation the data broker chooses to provide concerning its data collection practices.

**(b)** A data broker that fails to register pursuant to subsection (a) of this section is liable to the State for:

- (1)** a civil penalty of \$50.00 for each day, not to exceed a total of \$10,000.00 for each year, it fails to register pursuant to this section;
- (2)** an amount equal to the fees due under this section during the period it failed to register pursuant to this section; and
- (3)** other penalties imposed by law.

**(c)** The Attorney General may maintain an action in the Civil Division of the Superior Court to collect the penalties imposed in this section and to seek appropriate injunctive relief.

## History

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Added 2017, No. 171 (Adj. Sess.), § 2, eff. Jan. 1, 2019.

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