

STATE OF VERMONT
VERMONT SUPREME COURT
OCTOBER TERM, 2015

Order Amending Rule 3(c)(1) of the
Vermont Rules Governing Dissemination of Electronic Case Records

Pursuant to the Vermont Constitution, Chapter II, Section 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 3(c)(1) of the Vermont Rules Governing Dissemination of Electronic Case Records be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 3. ACCESS TO ELECTRONIC CASE RECORDS

* * * * *

(c) Public Documents.

(1) *Initial Responsibility of the Filer.* It is the responsibility of the filer of a document that is otherwise publicly accessible under Rule 6 of the Rules for Public Access to Court Records to omit or redact, or partially omit or redact, if the information is material or required by law, the following personal identifiers from all electronically or nonelectronically filed documents and exhibits, unless otherwise provided in the applicable rules of procedure or ordered by the court:

(A) Personal identification numbers issued by a governmental entity, including Social Security, and Tax Payer Identification, passport, and military serial numbers, but not including motor vehicle operators' license numbers; and

~~(B) Personal identification numbers, such as motor vehicle operators' license numbers, passport numbers, military serial numbers, and Personal~~ identification numbers issued by a nongovernmental entity, including medical or financial account or credit or debit card numbers or personal identification numbers (PIN), codes, or passwords, except the type of account or card and institution and last four digits if material.

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Reporter's Notes—2015 Amendment

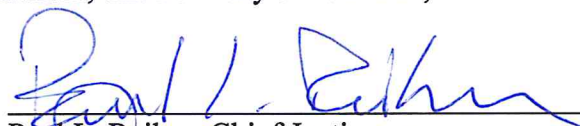
Rule 3(c)(1) is amended for clarity by dividing the present list of personal identifiers in subparagraphs (A) and (B) that must be omitted or redacted into those issued by a governmental entity and those issued by a nongovernmental entity. The amendment also excludes motor vehicle operators' license numbers from the list of government-issued identifiers that must be omitted or redacted.

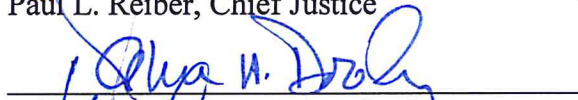
Driver's license numbers appear currently on many documents that are filed with or by the court—for example, affidavits of law enforcement officers in criminal motor-vehicle cases; notices of intent to suspend a license in civil or criminal license-suspension cases; civil-suspension disposition reports sent by the court to the Department of Motor Vehicles, which are currently available to the public; and documents associated with child-support license suspension. The requirement of omission or redaction significantly impacts the work of officials and court staff in such cases and, given the public availability of license numbers, does not provide significant protection against identity theft.

The amendment does not limit the authority of a court clerk under 9 V.S.A. § 2440(f) to remove upon written request various personal identifiers, including driver's license numbers, from a copy of an official record that is placed on an internet web site available to the general public. The amendment is also not inconsistent with 1 V.S.A. § 317(c)(31), which exempts from public inspection and copying driver's license numbers and certain other personal identifiers included on the statewide voters' checklist application or the statewide voter checklist established pursuant to 17 V.S.A. § 2154. See *id.* §§ 2145, 2145a.


2. That this rule, as amended, is prescribed and promulgated to take effect on December 21, 2015. The Reporter's Notes are advisory.
3. That the Chief Justice is authorized to report this amendment to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.


Dated in Chambers at Montpelier, Vermont, this 20th day of October, 2015


Paul L. Reiber, Chief Justice


John A. Dooley, Associate Justice


Marilyn S. Skoglund, Associate Justice


Beth Robinson, Associate Justice


Harold E. Eaton, Jr., Associate Justice