

The VDPOSA (effective January 1, 2028) governs certain entities that control (“controllers”) or process (“processors”) and, as applicable, sell, the personal data of Vermont residents, other than in the employment or business-to-business contexts (“consumers”). It also grants Vermont residents certain rights with respect to their personal data.

Applicability

The VDPOSA applies to any person or entity conducting business in Vermont or producing products or services targeted to Vermont residents and, during the preceding calendar year, satisfied at least one of the following thresholds¹:

- Controlled or processed personal data of not fewer than **35,000** Vermont residents, excluding personal data controlled or processed solely for the purpose of completing a payment transaction,
- Controlled or processed sensitive data of not fewer than **3,000** Vermont residents, excluding personal data controlled or processed solely for the purpose of completing a payment transaction, or
- Offered for sale in trade or commerce the personal data of not fewer than **3,000** Vermont residents.

Practical Application for Businesses

Consumer Rights:

- (1) **Right to Access**: the right to confirm whether a controller is processing personal data (including for profiling purposes), access that data, and access inferences derived from that data.
- (2) **Right to Correction**: the right to correct inaccuracies in the consumer’s personal data.
- (3) **Right to Deletion**: the right to delete personal data concerning the consumer.
- (4) **Right to Data Portability**: the right to obtain the personal data in a portable and, to the extent technically feasible, readily usable format.
- (5) **Right to Opt Out of Sale**: the right to opt out of the sale of personal data and request a list of the third parties to whom the consumer’s data was sold or a list of all third parties to whom personal data has been sold.
- (6) **Right to Opt Out of Targeted Advertising**: the right to opt out of processing of personal data for targeted advertising.
- (7) **Right to Opt Out of Profiling and Enhanced Profiling Rights**: the right to opt out of profiling in furtherance of a decision that produce legal or similarly significant effects, question the result of such decision, receive the reason for the decision, review the personal data processed for such decision, and if concerning housing, correct inaccurate personal data and have the decision reevaluated on the basis of corrected data.

Controller Obligations:

- Act on consumer requests within **45 days**; provide notice of an extension and the appeals process, as necessary.
- Provide a reasonably accessible privacy notice containing requisite details, including whether the controller collects, uses, or sells personal data to train large language models.
- Conduct and document a data protection assessment for each processing activity commencing on or after **January 1, 2028** that poses a “heightened risk of harm” to the consumer
- Conduct a separate impact assessment when engaging in profiling for making decisions with legal or similarly significant effects on consumers.

Recommendations for Controllers:

- Train employees how to handle consumer inquiries and requests.
- Maintain clear and executable data retention policies and procedures.

Penalties:

- The Vermont Attorney General has exclusive enforcement authority and may seek civil penalties up to **\$10,000** per violation under the Vermont Consumer Protection Act.
- From **January 1, 2028** through **June 30, 2029**, the Attorney General must give violators **60 days** to cure before initiating any enforcement action; the cure period will not be available after **June 30, 2029**.

As of July 6, 2026. These materials are for informational purposes only and not for the purpose of providing legal advice.

¹ VDPOSA’s consumer health data provisions apply to any person or entity that does business in Vermont without any data processing, revenue, or other thresholds.