

Diamond, Joshua

From: Donovan, Thomas
Sent: Monday, October 14, 2019 10:48 AM
To: Kia Floyd
Cc: Diamond, Joshua; Sudbay, William; maggieATleoninepublicaffairs.com; Clark, Charity; Jandl, Lauren
Subject: RE: Meeting in Burlington- Facebook

Thanks Kia. I enjoyed our meeting.
We'll be in touch.
Best
TJD

Thomas J. Donovan, Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
Thomas.donovan@vermont.gov

From: Kia Floyd <floydkd@fb.com>
Sent: Friday, October 11, 2019 4:44 PM
To: Donovan, Thomas <Thomas.Donovan@vermont.gov>
Cc: Diamond, Joshua <Joshua.Diamond@vermont.gov>; Sudbay, William <william.sudbay@partner.vermont.gov>; maggieATleoninepublicaffairs.com <maggie@leoninepublicaffairs.com>
Subject: Meeting in Burlington- Facebook

Dear Attorney General Donovan:

I want to personally thank you, Josh Diamond, and Will Sudbay for meeting with me in Burlington last week. I want to reiterate my appreciation for your office's collaborative approach to working with stakeholders last session and express my hope that this continues into the next session and beyond.

We look forward to working proactively with your office on initiatives that aim to protect Vermonters while encouraging tech industry innovation. If you have any ideas that you'd like to run by us, please do not hesitate to reach out to me, or to our Vermont lobbyists Clare Buckley and Maggie Lenz at Leonine Public Affairs. Facebook values our relationship with the AGO and the state of Vermont and we look forward to continuing to work together.

Thank you.

Sincerely,





Kia Floyd | Head of Public Policy, Northeast
facebook
202.368.7469

Diamond, Joshua

From: Kia Floyd <floydkd@fb.com>
Sent: Friday, October 11, 2019 4:44 PM
To: Donovan, Thomas
Cc: Diamond, Joshua; Sudbay, William; maggieATleoninepublicaffairs.com
Subject: Meeting in Burlington- Facebook

Dear Attorney General Donovan:

I want to personally thank you, Josh Diamond, and Will Sudbay for meeting with me in Burlington last week. I want to reiterate my appreciation for your office's collaborative approach to working with stakeholders last session and express my hope that this continues into the next session and beyond.

We look forward to working proactively with your office on initiatives that aim to protect Vermonters while encouraging tech industry innovation. If you have any ideas that you'd like to run by us, please do not hesitate to reach out to me, or to our Vermont lobbyists Clare Buckley and Maggie Lenz at Leonine Public Affairs. Facebook values our relationship with the AGO and the state of Vermont and we look forward to continuing to work together.

Thank you.

Sincerely,



Kia Floyd | Head of Public Policy, Northeast
facebook
202.368.7469



**National Association
of Attorneys General**

PRESIDENT
Derek Schmidt
Kansas Attorney General

PRESIDENT-ELECT
Jeff Landry
Louisiana Attorney General

VICE PRESIDENT
Tim Fox
Montana Attorney General

IMMEDIATE PAST PRESIDENT
George Jepsen
Connecticut Attorney General

EXECUTIVE DIRECTOR
Chris Toth

March 26, 2018

Mark Zuckerberg
Facebook, Inc.
1601 Willow Road
Menlo Park, California 94025

Dear Mr. Zuckerberg:

The undersigned State and Territory Attorneys General are profoundly concerned about the recently published reports that personal user information from Facebook profiles was provided to third parties without the users' knowledge or consent. As the chief law enforcement officers of our respective states, we place a priority on protecting user privacy, which has been repeatedly placed at risk because of businesses' failure to properly ensure those protections. Most recently, we have learned from news reports that the business practices within the social media world have evolved to give multiple software developers access to personal information of Facebook users. These reports raise serious questions regarding consumer privacy.

Early reports indicate that user data of at least 50 million Facebook profiles may have been misused and misappropriated by third-party software developers ("developers"). According to these reports, Facebook's previous policies allowed developers to access the personal data of "friends" of people who used applications on the platform, without the knowledge or express consent of those "friends." It has also been reported that while providing other developers access to personal Facebook user data, Facebook took as much as thirty (30) percent of payments made through the developers' applications by Facebook users.

Facebook apparently contends that this incident of harvesting tens of millions of profiles was not the result of a technical data breach; however, the reports allege that Facebook allowed third parties to obtain personal data of users who never authorized it, and relied on terms of service and settings that were confusing and perhaps misleading to its users.

These revelations raise many serious questions concerning Facebook's policies and practices, and the processes in place to ensure they are followed. Were those terms of service clear and understandable, or buried in boilerplate where few users would even read them? How did Facebook monitor what these developers did with all the data that they collected? What type of controls did Facebook have over the data given to developers? Did Facebook have protective safeguards in place, including audits, to ensure developers were not misusing the Facebook user's data? How many users in our respective states were impacted? When did Facebook learn of this breach of

1850 M Street, NW
Twelfth Floor
Washington, DC 20036
Phone: (202) 326-6000
<http://www.naag.org/>

privacy protections? During this timeframe, what other third party “research” applications were also able to access the data of unsuspecting Facebook users?

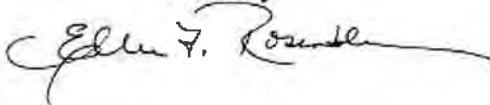
In addition to responses to these questions, we request an update about how Facebook will allow users to more easily control the privacy of their accounts. Even with the changes Facebook has made in recent years, many users still do not know that their profile—and personal data—is available to third-party vendors. Facebook has made promises about users’ privacy in the past, and we need to know that users can trust Facebook. With the information we have now, our trust has been broken.

Users of Facebook deserve to know the answers to these questions and more. We are committed to protecting our residents’ personal information. More specifically, we need to understand Facebook’s policies and procedures in light of the reported misuse of data by developers. We appreciate the information you have provided to date and expect your full cooperation going forward in our inquiries into your business practices. To that end, we expect a full accounting for what transpired and, answers to the questions we raised above. We look forward to your prompt response.

Sincerely,



George Jepsen
Connecticut Attorney General



Ellen F. Rosenblum
Oregon Attorney General



Marty J. Jackley
South Dakota Attorney General



Eleasalo V. Ale
American Samoa Attorney General



Cynthia H. Coffman
Colorado Attorney General



Tim Fox
Montana Attorney General



Josh Shapiro
Pennsylvania Attorney General



Steve Marshall
Alabama Attorney General



Xavier Becerra
California Attorney General



Matthew P. Denn
Delaware Attorney General

Karl A. Racine
District of Columbia Attorney General

Elizabeth Barrett-Anderson
Guam Attorney General

Russell A. Suzuki
Hawaii Acting Attorney General

Lawrence Wasden
Idaho Attorney General

Lisa Madigan
Illinois Attorney General

Tom Miller
Iowa Attorney General

Derek Schmidt
Kansas Attorney General

Andy Beshear
Kentucky Attorney General

Janet Mills
Maine Attorney General

Brian Frosh
Maryland Attorney General

Maura Healey
Massachusetts Attorney General

Bill Schuette
Michigan Attorney General

Lori Swanson
Minnesota Attorney General

Jim Hood
Mississippi Attorney General

Josh Hawley
Missouri Attorney General

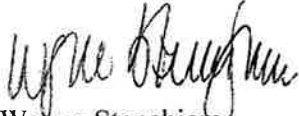
Gordon MacDonald
New Hampshire Attorney General

Gurbir S. Grewal
New Jersey Attorney General

Hector Balderas
New Mexico Attorney General



Eric T. Schneiderman
New York Attorney General



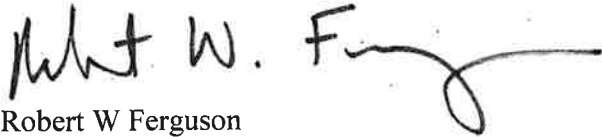
Wayne Stenehjem
North Dakota Attorney General



Peter F. Kilmartin
Rhode Island Attorney General



T.J. Donovan
Vermont Attorney General



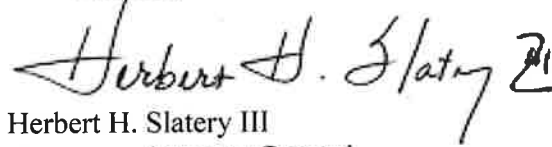
Robert W Ferguson
Washington Attorney General



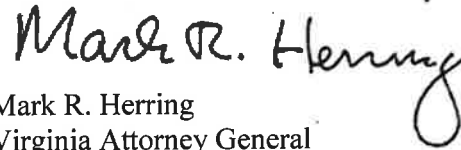
Josh Stein
North Carolina Attorney General



Mike DeWine
Ohio Attorney General



Herbert H. Slatery III
Tennessee Attorney General



Mark R. Herring
Virginia Attorney General

Donovan, Thomas

From: Donovan, Thomas
Sent: Monday, October 14, 2019 10:48 AM
To: Kia Floyd
Cc: Diamond, Joshua; Sudbay, William; maggieATleoninepublicaffairs.com; Clark, Charity; Jandl, Lauren
Subject: RE: Meeting in Burlington- Facebook

Thanks Kia. I enjoyed our meeting.
We'll be in touch.
Best
TJD

Thomas J. Donovan, Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
Thomas.donovan@vermont.gov

From: Kia Floyd <floydkd@fb.com>
Sent: Friday, October 11, 2019 4:44 PM
To: Donovan, Thomas <Thomas.Donovan@vermont.gov>
Cc: Diamond, Joshua <Joshua.Diamond@vermont.gov>; Sudbay, William <william.sudbay@partner.vermont.gov>; maggieATleoninepublicaffairs.com <maggie@leoninepublicaffairs.com>
Subject: Meeting in Burlington- Facebook

Dear Attorney General Donovan:

I want to personally thank you, Josh Diamond, and Will Sudbay for meeting with me in Burlington last week. I want to reiterate my appreciation for your office's collaborative approach to working with stakeholders last session and express my hope that this continues into the next session and beyond.

We look forward to working proactively with your office on initiatives that aim to protect Vermonters while encouraging tech industry innovation. If you have any ideas that you'd like to run by us, please do not hesitate to reach out to me, or to our Vermont lobbyists Clare Buckley and Maggie Lenz at Leonine Public Affairs. Facebook values our relationship with the AGO and the state of Vermont and we look forward to continuing to work together.

Thank you.

Sincerely,





Kia Floyd | Head of Public Policy, Northeast
facebook
202.368.7469

Curtis, Christopher

Subject: Vermont AG Sync- Data Brokers
Location: [DC00575.07] The American President
Start: Tue 8/27/2019 11:00 AM
End: Tue 8/27/2019 12:00 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Erica Woods

Locations

[DC00575.07] The American President (accessible within Facebook only)

Connect to Blue Jeans

Facebook Employees

QuickDial into meeting from room or browser

Non-Facebook Invitees

Join meeting from your computer

Meeting ID: [REDACTED]

Telephone: [REDACTED] (US) or other dial in numbers

This meeting was booked with Calendar.

Curtis, Christopher

From: Curtis, Christopher
Sent: Tuesday, August 20, 2019 9:10 PM
To: Erica Woods
Subject: Accepted: Vermont AG Sync- Data Brokers

Curtis, Christopher

From: Curtis, Christopher
Sent: Tuesday, September 4, 2018 11:09 AM
To: Cynthia Pantazis
Subject: RE: Quick Question from Vermont

Calling you now.

Christopher J. Curtis
State of Vermont
Office of the Attorney General
Chief, Public Protection Division
802-828-5586
christopher.curtis@vermont.gov

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Cynthia Pantazis <cpantazis@google.com>
Sent: Tuesday, September 04, 2018 11:08 AM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Re: Quick Question from Vermont

Chris: I just tried you. I am free until 11:30 a.m. or if it easier, I am happy to find a time to speak later today.

Thanks.

On Tue, Sep 4, 2018 at 10:56 AM, Curtis, Christopher <Christopher.Curtis@vermont.gov> wrote:

Just called. Hoping to catch you before your meetings today. Am free now and at my desk: 802-828-5586. Thanks!

CC

Christopher J. Curtis
State of Vermont
Office of the Attorney General
Chief, Public Protection Division
802-828-5586

christopher.curtis@vermont.gov

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Cynthia Pantazis <cpantazis@google.com>
Sent: Thursday, August 30, 2018 5:40 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Re: Quick Question from Vermont

Christopher: I would be happy to speak with you. I am on a plane most of tomorrow. Is there a good time to reach you on Tuesday?

Thanks.

Cynthia

On Thu, Aug 30, 2018 at 3:17 PM, Curtis, Christopher <Christopher.Curtis@vermont.gov> wrote:

Dear Ms. Pantazis,

My name is Christopher Curtis. I am the Chief of the Public Protection Division at the Office of the Attorney General. My friend Matt Dunne suggested I reach out to you. If you have a moment I have a quick question I would like to pose, and perhaps you can provide an answer or point me in the right direction.

Please give me a call at your convenience. Or, I can call you if you provide me with the proper number and a good time to reach you. Thank you.

Best, Christopher

Christopher J. Curtis

State of Vermont

Office of the Attorney General

Chief, Public Protection Division

802-828-5586

christopher.curtis@vermont.gov

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

--

Cynthia Pantazis

Senior Policy Manager

Google Inc.

25 Massachusetts Avenue, NW

Washington, DC 20001

202.346.1328 (O)

202.905.6494 (C)

--

Cynthia Pantazis
Senior Policy Manager
Google Inc.

25 Massachusetts Avenue, NW
Washington, DC 20001
202.346.1328 (O)
202.905.6494 (C)

Curtis, Christopher

From: Curtis, Christopher
Sent: Thursday, October 10, 2019 11:16 AM
To: Will Castleberry; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

Hi Will,

Thank you for getting back to us. And, sorry for the delay on my end in responding to the information below. I expect that Facebook will continue to monitor its practices with respect to third party data it possesses (to the extent that you have explored, or may explore in the future) certain uses of that data. Should Facebook trigger the definition of "data broker" pursuant to Vermont law we would reasonably anticipate compliance with the law by simply making the required filing with the Vermont Secretary of State.

Thank you for your time and consideration.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Will Castleberry <wcastleberry@fb.com>
Sent: Wednesday, September 18, 2019 12:26 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Chris and Ryan,

Sorry for taking a bit to get back to you about if and how we share a non-FB user's personal information with third parties for advertising purposes.

In short, we don't currently but have explored this in the past. Even in these instances, we would only report to third parties *aggregate* analytics that might encompass non-FB user data. Here is how it worked.

- We tested ads on third party websites that were viewable by non-FB users. We measured the effectiveness of these ads (e.g., impressions) and provided some of this information in aggregate form to our advertisers (via surfaces like our Ads Manager dashboard). These analytics do not provide individual user-level granularity and our aggregation methodology prevents reporting on an individual or even a group of individuals below a certain minimum threshold. We no longer display these ads to non-users but don't believe those practices would require us to register as a Data Broker in VT.

Thanks again for your time and please let me know if you have any questions.

Thanks,

Will
202.4200173

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Curtis, Christopher
Sent: Thursday, October 10, 2019 11:16 AM
To: Will Castleberry; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

Hi Will,

Thank you for getting back to us. And, sorry for the delay on my end in responding to the information below. I expect that Facebook will continue to monitor its practices with respect to third party data it possesses (to the extent that you have explored, or may explore in the future) certain uses of that data. Should Facebook trigger the definition of "data broker" pursuant to Vermont law we would reasonably anticipate compliance with the law by simply making the required filing with the Vermont Secretary of State.

Thank you for your time and consideration.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Will Castleberry <wcastleberry@fb.com>
Sent: Wednesday, September 18, 2019 12:26 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Chris and Ryan,

Sorry for taking a bit to get back to you about if and how we share a non-FB user's personal information with third parties for advertising purposes.

In short, we don't currently but have explored this in the past. Even in these instances, we would only report to third parties *aggregate* analytics that might encompass non-FB user data. Here is how it worked.

- We tested ads on third party websites that were viewable by non-FB users. We measured the effectiveness of these ads (e.g., impressions) and provided some of this information in aggregate form to our advertisers (via surfaces like our Ads Manager dashboard). These analytics do not provide individual user-level granularity and our aggregation methodology prevents reporting on an individual or even a group of individuals below a certain minimum threshold. We no longer display these ads to non-users but don't believe those practices would require us to register as a Data Broker in VT.

Thanks again for your time and please let me know if you have any questions.

Thanks,

Will
202.4200173

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Krigger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, October 8, 2019 12:40 PM
To: Krigger, Ryan; Clark, Charity
Cc: Sudbay, William
Subject: Update

Follow Up Flag: Follow up
Flag Status: Completed

Hi there,

TJ asked me to follow up with you after your meeting yesterday re: 2020 legislative priorities. I'm hoping we can hop on a quick call this week if you have time to discuss this, otherwise I'm happy to chat via email if that's easier.

I hope everyone is having a good summer!

Best,

Maggie

Maggie Lenz
Leonine Public Affairs
802.279.4262 (c) 802.229.4900 x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Will Castleberry <wcastleberry@fb.com>
Sent: Wednesday, September 18, 2019 12:26 PM
To: Kriger, Ryan; Curtis, Christopher
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

Chris and Ryan,

Sorry for taking a bit to get back to you about if and how we share a non-FB user's personal information with third parties for advertising purposes.

In short, we don't currently but have explored this in the past. Even in these instances, we would only report to third parties *aggregate* analytics that might encompass non-FB user data. Here is how it worked.

- We tested ads on third party websites that were viewable by non-FB users. We measured the effectiveness of these ads (e.g., impressions) and provided some of this information in aggregate form to our advertisers (via surfaces like our Ads Manager dashboard). These analytics do not provide individual user-level granularity and our aggregation methodology prevents reporting on an individual or even a group of individuals below a certain minimum threshold. We no longer display these ads to non-users but don't believe those practices would require us to register as a Data Broker in VT.

Thanks again for your time and please let me know if you have any questions.

Thanks,

Will
202.4200173

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001

ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Kruger, Ryan
Sent: Wednesday, August 21, 2019 9:04 AM
To: Erica Woods
Subject: Accepted: Vermont AG Sync- Data Brokers

Kruger, Ryan

From: Curtis, Christopher
Sent: Tuesday, August 20, 2019 9:07 PM
To: Will Castleberry
Cc: Kriger, Ryan; Aaron Ting; Jess Leinwand; Erica Woods
Subject: Re: Vermont Data Broker Registry

Please do. Thanks, Will.

CC

Sent from my iPhone

On Aug 20, 2019, at 2:52 PM, Will Castleberry <wcastleberry@fb.com> wrote:

That looks good for us too. Would you please hold? We can send a VC number if you like.

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 1:14 PM
To: Will Castleberry <wcastleberry@fb.com>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>; Erica Woods <ericawoods@fb.com>
Subject: RE: Vermont Data Broker Registry

Could you all meet next Tuesday, the 27th at 11am? Looks like that is free on both of our calendars on this end. Please let me know.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 1:03 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>; Erica Woods <ericawoods@fb.com>
Subject: RE: Vermont Data Broker Registry

It's doesn't look like we can make tomorrow work. What looks good for next week?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 12:32 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

I am out Thursday and Friday, unfortunately, but per Ryan's email I can do anytime Wednesday with the aforementioned exception. Or, we can shoot for someone next week. Thanks.

CC

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609

802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 2:53 PM
To: Curtis, Christopher; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand; Erica Woods
Subject: RE: Vermont Data Broker Registry

That looks good for us too. Would you please hold? We can send a VC number if you like.

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 1:14 PM
To: Will Castleberry <wcastleberry@fb.com>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>; Erica Woods <ericawoods@fb.com>
Subject: RE: Vermont Data Broker Registry

Could you all meet next Tuesday, the 27th at 11am? Looks like that is free on both of our calendars on this end. Please let me know.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 1:03 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>; Erica Woods <ericawoods@fb.com>
Subject: RE: Vermont Data Broker Registry

It's doesn't look like we can make tomorrow work. What looks good for next week?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 12:32 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

I am out Thursday and Friday, unfortunately, but per Ryan's email I can do anytime Wednesday with the aforementioned exception. Or, we can shoot for someone next week. Thanks.

CC

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM

To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com

Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>

Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Kruger, Ryan

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 1:31 PM
To: Curtis, Christopher; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand; Erica Woods
Subject: RE: Vermont Data Broker Registry

Checking

Thanks

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 1:14 PM
To: Will Castleberry <wcastleberry@fb.com>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>; Erica Woods <ericawoods@fb.com>
Subject: RE: Vermont Data Broker Registry

Could you all meet next Tuesday, the 27th at 11am? Looks like that is free on both of our calendars on this end. Please let me know.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 1:03 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>; Erica Woods <ericawoods@fb.com>
Subject: RE: Vermont Data Broker Registry

It's doesn't look like we can make tomorrow work. What looks good for next week?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 12:32 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

I am out Thursday and Friday, unfortunately, but per Ryan's email I can do anytime Wednesday with the aforementioned exception. Or, we can shoot for someone next week. Thanks.

CC

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM

To: wcastleberry@fb.com

Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>

Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Kruger, Ryan

From: Curtis, Christopher
Sent: Tuesday, August 20, 2019 1:14 PM
To: Will Castleberry; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand; Erica Woods
Subject: RE: Vermont Data Broker Registry

Could you all meet next Tuesday, the 27th at 11am? Looks like that is free on both of our calendars on this end. Please let me know.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 1:03 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>; Erica Woods <ericawoods@fb.com>
Subject: RE: Vermont Data Broker Registry

It's doesn't look like we can make tomorrow work. What looks good for next week?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 12:32 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

I am out Thursday and Friday, unfortunately, but per Ryan's email I can do anytime Wednesday with the aforementioned exception. Or, we can shoot for someone next week. Thanks.

CC

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 1:03 PM
To: Curtis, Christopher; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand; Erica Woods
Subject: RE: Vermont Data Broker Registry

It's doesn't look like we can make tomorrow work. What looks good for next week?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 12:32 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

I am out Thursday and Friday, unfortunately, but per Ryan's email I can do anytime Wednesday with the aforementioned exception. Or, we can shoot for someone next week. Thanks.

CC

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont

109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Krigger, Ryan

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:33 PM
To: Krigger, Ryan; Curtis, Christopher
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

Thanks – I will confirm and get back to you

Thanks,

Will
202.4200173

From: Krigger, Ryan <ryan.krigger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Krigger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.krigger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Krigger, Ryan <ryan.krigger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Kruger, Ryan

From: Curtis, Christopher
Sent: Tuesday, August 20, 2019 12:32 PM
To: Kriger, Ryan; Will Castleberry
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

I am out Thursday and Friday, unfortunately, but per Ryan's email I can do anytime Wednesday with the aforementioned exception. Or, we can shoot for someone next week. Thanks.

CC

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM

To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com

Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>

Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Krigger, Ryan

From: Krigger, Ryan
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry; Curtis, Christopher
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Krigger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.krigger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Krigger, Ryan <ryan.krigger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Krigger, Ryan <ryan.krigger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity,

letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail

in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Curtis, Christopher
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan; wcastleberry@fb.com
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Please consider the environment before printing this e-mail.

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Kriger, Ryan
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Kruger, Ryan
Sent: Tuesday, August 20, 2019 9:27 AM
To: Maggie Lenz
Subject: RE: Sorry!

Great, thanks. I just wanted to keep you in the loop.

-Ryan

Ryan G. Kruger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, August 13, 2019 4:31 PM
To: Kruger, Ryan <ryan.kruger@vermont.gov>
Subject: Sorry!

Hey Ryan! I am so sorry for the extremely delayed response. I was away and somehow forgot to set my vaca response.

I have bumped your email up to the people who handle these issues, as I do not.

Hope all is well!

Maggie

Maggie Lenz
Leonine Public Affairs
[802.279.4262](tel:802.279.4262) (c) [802.229.4900](tel:802.229.4900) x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, August 13, 2019 4:31 PM
To: Kriger, Ryan
Subject: Sorry!

Hey Ryan! I am so sorry for the extremely delayed response. I was away and somehow forgot to set my vaca response.

I have bumped your email up to the people who handle these issues, as I do not.

Hope all is well!

Maggie

Maggie Lenz
Leonine Public Affairs
802.279.4262 (c) 802.229.4900 x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Kriger, Ryan
Sent: Tuesday, August 6, 2019 11:42 AM
To: Maggie Lenz
Cc: Curtis, Christopher
Subject: RE: Letter

Maggie,

It appears that Facebook has not yet registered. I'd like to see that happen soon. I'll be away next week, but when I return why don't we have a call with Will Castleberry and Facebook's counsel and whomever else you think would be appropriate. Let me know what times would work for you.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Monday, July 22, 2019 4:50 PM
To: Maggie Lenz <maggie@leoninepublicaffairs.com>
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: RE: Letter

Maggie,

Facebook collects information about individuals who are not its users. For example:
<https://bgr.com/2018/04/16/facebook-tracking-non-users/>

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, July 22, 2019 3:33 PM

To: Kriger, Ryan <ryan.kriger@vermont.gov>

Subject: Re: Letter

Thanks Ryan.

I wasn't working on this last year but my understanding now from my discussions with Kia and with my colleagues is that Facebook is exempt from this as they don't fit the definition of data broker as defined in this statute. Facebook has a direct relationship with their customers. Am I missing something?

Best,

Maggie

Maggie Lenz

Leonine Public Affairs

802.279.4262 (c) 802.229.4900 x. 126 (o)

leoninepublicaffairs.com

On Jul 22, 2019, at 2:09 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

Maggie,

My admin hasn't been able to place her hands on the letter, but here is the content. It went out around May 23.

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>

Sent: Sunday, July 21, 2019 4:07 PM

To: Kriger, Ryan <ryan.kriger@vermont.gov>

Subject: Letter

Hi Ryan,

Do you mind forwarding me a copy of the letter that was sent to Facebook asking them to register as a data broker?

Thank you,

Maggie

Maggie Lenz

Leonine Public Affairs

802.279.4262 (c) 802.229.4900 x. 126 (o)

leoninepublicaffairs.com

<Data Broker Inquiry Form Letter (ID 196045).docx>

Kruger, Ryan

From: Kriger, Ryan
Sent: Monday, July 22, 2019 4:50 PM
To: Maggie Lenz
Cc: Curtis, Christopher
Subject: RE: Letter

Maggie,

Facebook collects information about individuals who are not its users. For example:

<https://bgr.com/2018/04/16/facebook-tracking-non-users/>

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, July 22, 2019 3:33 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: Letter

Thanks Ryan.

I wasn't working on this last year but my understanding now from my discussions with Kia and with my colleagues is that Facebook is exempt from this as they don't fit the definition of data broker as defined in this statute. Facebook has a direct relationship with their customers. Am I missing something?

Best,

Maggie

Maggie Lenz
Leonine Public Affairs
[802.279.4262](tel:802.279.4262) (c) [802.229.4900](tel:802.229.4900) x. 126 (o)
leoninepublicaffairs.com

On Jul 22, 2019, at 2:09 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

Maggie,

My admin hasn't been able to place her hands on the letter, but here is the content. It went out around May 23.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>

Sent: Sunday, July 21, 2019 4:07 PM

To: Kriger, Ryan <ryan.kriger@vermont.gov>

Subject: Letter

Hi Ryan,

Do you mind forwarding me a copy of the letter that was sent to Facebook asking them to register as a data broker?

Thank you,

Maggie

Maggie Lenz

Leonine Public Affairs

[802.279.4262](tel:802.279.4262) (c) [802.229.4900](tel:802.229.4900) x. 126 (o)

leoninepublicaffairs.com

<Data Broker Inquiry Form Letter (ID 196045).docx>

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, July 22, 2019 3:33 PM
To: Kriger, Ryan
Subject: Re: Letter

Thanks Ryan.

I wasn't working on this last year but my understanding now from my discussions with Kia and with my colleagues is that Facebook is exempt from this as they don't fit the definition of data broker as defined in this statute. Facebook has a direct relationship with their customers. Am I missing something?

Best,

Maggie

Maggie Lenz
Leonine Public Affairs
[802.279.4262](tel:802.279.4262) (c) [802.229.4900](tel:802.229.4900) x. 126 (o)
leoninepublicaffairs.com

On Jul 22, 2019, at 2:09 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

Maggie,

My admin hasn't been able to place her hands on the letter, but here is the content. It went out around May 23.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Sunday, July 21, 2019 4:07 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Letter

Hi Ryan,

Do you mind forwarding me a copy of the letter that was sent to Facebook asking them to register as a data broker?

Thank you,

Maggie

Maggie Lenz

Leonine Public Affairs

802.279.4262 (c) 802.229.4900 x. 126 (o)

leoninepublicaffairs.com

<Data Broker Inquiry Form Letter (ID 196045).docx>

Kruger, Ryan

From: Kruger, Ryan
Sent: Monday, July 22, 2019 2:09 PM
To: Maggie Lenz
Subject: RE: Letter
Attachments: Data Broker Inquiry Form Letter (ID 196045).docx

Maggie,

My admin hasn't been able to place her hands on the letter, but here is the content. It went out around May 23.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Sunday, July 21, 2019 4:07 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Letter

Hi Ryan,

Do you mind forwarding me a copy of the letter that was sent to Facebook asking them to register as a data broker?

Thank you,

Maggie

Maggie Lenz
Leonine Public Affairs
[802.279.4262](tel:802.279.4262) (c) [802.229.4900](tel:802.229.4900) x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Sunday, July 21, 2019 4:07 PM
To: Kruger, Ryan
Subject: Letter

Hi Ryan,

Do you mind forwarding me a copy of the letter that was sent to Facebook asking them to register as a data broker?

Thank you,

Maggie

Maggie Lenz
Leonine Public Affairs
802.279.4262 (c) 802.229.4900 x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Julie Tucker <JTucker@leg.state.vt.us>
Sent: Thursday, May 16, 2019 2:19 PM
To: Kriger, Ryan; Maggie Lenz-McQuilken
Subject: FW: Committee of Conference S.110

From: Julie Tucker
Sent: Thursday, May 16, 2019 2:13 PM
Cc: Philip Baruth <PBaruth@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Kayla Dewey <KDewey@leg.state.vt.us>; Michael Sirotkin <msirotkin@leg.state.vt.us>; David Hall <DHall@leg.state.vt.us>; Liz Raddock <LRaddock@leg.state.vt.us>; Charlie Kimbell <CKimbell@leg.state.vt.us>; Michael Marcotte <MMarcotte@leg.state.vt.us>; Stephanie Jerome <SJerome@leg.state.vt.us>
Subject: Committee of Conference S.110

Good afternoon,
The first Committee of Conference meeting for S.110 has been scheduled for Friday, May 17, at 9 a.m. in Room 35.
Best,
Julie

Julie Tucker
Committee Assistant
House Committee on Human Services
Room 46
115 State Street
Montpelier, VT 05633

ATTENTION- Please email handouts to me **AT LEAST 24 HOURS** before your scheduled meeting date and bring 1 hard copy. With few exceptions, any documents a witness submits to a committee or to a committee assistant are open to the public.

In addition, a witness' submission of a document authored by the witness or his or her organization constitutes consent to its posting on the committee's webpage, unless the witness specifically requests that the document not be posted. Although the committee will honor requests not to post such documents on its webpage, once a witness submits a document to the committee, it is a public record and will be subject to public inspection and copying unless exempt under the Public Records Act.

Krigger, Ryan

From: Michael Durkin <DurkinM@bcbsvt.com>
Sent: Thursday, May 9, 2019 6:26 AM
To: Kia Floyd; Halpert, Jim
Cc: Krigger, Ryan; Sara Teachout; Kingman, Andrew; Maggie Lenz; Clark, Charity
Subject: RE: Wellness Program Definition

Thank you all for your input. BCBSVT is generally comfortable with the language below, but is also concerned that, as written, enrollment information (eg. the participant list for an employer's wellness campaign) would trigger the breach notification requirement. BCBSVT would prefer the language that Mr. Halpert suggested.

Mike

From: Kia Floyd [mailto:floydkd@fb.com]
Sent: Wednesday, May 08, 2019 9:23 PM
To: Halpert, Jim <jim.halpert@dlapiper.com>
Cc: Krigger, Ryan <ryan.krigger@vermont.gov>; Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: Re: Wellness Program Definition

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

We concur. Ryan— We sincerely appreciate your time and effort addressing stakeholders' concerns. We'd like to see the bill move forward tomorrow.

Kia D. Floyd
Facebook Public Policy
d: (202) 368-7469
e: FloydKD@fb.com

Please excuse any typographical errors in my communications. Autotext doesn't like me. 😊

Sent from my iPhone

On May 8, 2019, at 4:49 PM, Halpert, Jim <jim.halpert@dlapiper.com> wrote:

The State Privacy and Security Coalition is fine with it. BCBS?

From: Krigger, Ryan <ryan.krigger@vermont.gov>
Sent: Wednesday, May 08, 2019 4:47 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew <andrew.kingman@us.dlapiper.com>; Halpert, Jim <jim.halpert@us.dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: RE: Wellness Program Definition

[EXTERNAL]

I have not received the citation we discussed. I have to leave for the day. I am going to inform leg counsel that there is still dispute over this definition, and recommend a course of action that will allow the committee to vote this out tomorrow.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan

Sent: Wednesday, May 8, 2019 2:10 PM

To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; andrew.kingman@dlapiper.com; Jim Halpert (jim.halpert@dlapiper.com) <jim.halpert@dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>

Subject: Wellness Program Definition

"A wellness program is a program of health promotion or disease prevention." Are we all ok with this definition? It can be found in [45 CFR 146.121](#) but I'm not sure that's the best cite to use.

If this works, how about something like:

- (vii) (I) Health, wellness, or fitness records or records of a program of health promotion or disease prevention (wellness program);
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

David Hall might want to tweak this but it gets where I think we need to be. I'd just like to get this out the door to give leg counsel time to make changes.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Kia Floyd <floydkd@fb.com>
Sent: Wednesday, May 8, 2019 9:23 PM
To: Halpert, Jim
Cc: Kruger, Ryan; teachouts@bcbsvt.com; durkinm@bcbsvt.com; Kingman, Andrew; Maggie Lenz; Clark, Charity
Subject: Re: Wellness Program Definition

We concur. Ryan— We sincerely appreciate your time and effort addressing stakeholders' concerns. We'd like to see the bill move forward tomorrow.

Kia D. Floyd
Facebook Public Policy
d: (202) 368-7469
e: FloydKD@fb.com

Please excuse any typographical errors in my communications. Autotext doesn't like me. 😊

Sent from my iPhone

On May 8, 2019, at 4:49 PM, Halpert, Jim <jim.halpert@dlapiper.com> wrote:

The State Privacy and Security Coalition is fine with it. BCBS?

From: Kruger, Ryan <ryan.kruger@vermont.gov>
Sent: Wednesday, May 08, 2019 4:47 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew <andrew.kingman@us.dlapiper.com>; Halpert, Jim <jim.halpert@us.dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: RE: Wellness Program Definition

[EXTERNAL]

I have not received the citation we discussed. I have to leave for the day. I am going to inform leg counsel that there is still dispute over this definition, and recommend a course of action that will allow the committee to vote this out tomorrow.

-Ryan

Ryan G. Kruger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Kriger, Ryan

Sent: Wednesday, May 8, 2019 2:10 PM

To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; andrew.kingman@dlapiper.com; Jim Halpert (jim.halpert@dlapiper.com) <jim.halpert@dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>

Subject: Wellness Program Definition

"A wellness program is a program of health promotion or disease prevention." Are we all ok with this definition? It can be found in [45 CFR 146.121](#) but I'm not sure that's the best cite to use.

If this works, how about something like:

- (vii) (I) Health, wellness, or fitness records or records of a program of health promotion or disease prevention (wellness program);
(II) a health care professional's medical diagnosis or treatment of the consumer; or
(III) a health insurance policy number.

David Hall might want to tweak this but it gets where I think we need to be. I'd just like to get this out the door to give leg counsel time to make changes.

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Kruger, Ryan

From: Halpert, Jim <jim.halpert@dlapiper.com>
Sent: Wednesday, May 8, 2019 4:49 PM
To: Kriger, Ryan; teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew; Maggie Lenz; Clark, Charity
Subject: RE: Wellness Program Definition

The State Privacy and Security Coalition is fine with it. BCBS?

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Wednesday, May 08, 2019 4:47 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew <andrew.kingman@us.dlapiper.com>; Halpert, Jim <jim.halpert@us.dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: RE: Wellness Program Definition

[EXTERNAL]

I have not received the citation we discussed. I have to leave for the day. I am going to inform leg counsel that there is still dispute over this definition, and recommend a course of action that will allow the committee to vote this out tomorrow.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Wednesday, May 8, 2019 2:10 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; andrew.kingman@dlapiper.com; Jim Halpert (jim.halpert@dlapiper.com) <jim.halpert@dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: Wellness Program Definition

"A wellness program is a program of health promotion or disease prevention." Are we all ok with this definition? It can be found in 45 CFR 146.121 but I'm not sure that's the best cite to use.

If this works, how about something like:

(vii) (I) ~~Health, wellness, or fitness records~~ or records of a program of health promotion or disease prevention (wellness program);

(II) a health care professional's medical diagnosis or treatment of the consumer; or

(III) a health insurance policy number.

David Hall might want to tweak this but it gets where I think we need to be. I'd just like to get this out the door to give leg counsel time to make changes.

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to postmaster@dlapiper.com. Thank you.

Kruger, Ryan

From: Kruger, Ryan
Sent: Wednesday, May 8, 2019 4:47 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; andrew.kingman@dlapiper.com; Jim Halpert (jim.halpert@dlapiper.com); Maggie Lenz; Clark, Charity
Subject: RE: Wellness Program Definition

I have not received the citation we discussed. I have to leave for the day. I am going to inform leg counsel that there is still dispute over this definition, and recommend a course of action that will allow the committee to vote this out tomorrow.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Kriger, Ryan
Sent: Wednesday, May 8, 2019 2:10 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; andrew.kingman@dlapiper.com; Jim Halpert (jim.halpert@dlapiper.com) <jim.halpert@dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: Wellness Program Definition

"A wellness program is a program of health promotion or disease prevention." Are we all ok with this definition? It can be found in 45 CFR 146.121 but I'm not sure that's the best cite to use.

If this works, how about something like:

- (vii) (I) ~~Health, wellness, or fitness records~~ or records of a program of health promotion or disease prevention (wellness program);
(II) a health care professional's medical diagnosis or treatment of the consumer; or
(III) a health insurance policy number.

David Hall might want to tweak this but it gets where I think we need to be. I'd just like to get this out the door to give leg counsel time to make changes.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street

Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Kruger, Ryan
Sent: Wednesday, May 8, 2019 2:28 PM
To: Halpert, Jim; teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew; Maggie Lenz; Clark, Charity
Subject: RE: Wellness Program Definition

As I mentioned on the call, the goal here is not to overcomplicate things. The original language that your coalition agreed to is "health or wellness records" – I'm trying to bring in a definition of wellness program, that's it.

Ryan G. Kruger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Halpert, Jim <jim.halpert@dlapiper.com>
Sent: Wednesday, May 8, 2019 2:13 PM
To: Kruger, Ryan <ryan.kruger@vermont.gov>; teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew <andrew.kingman@dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: RE: Wellness Program Definition

Ryan, thank you. I leave it to BCBS to comment on the CFR definition, but I think that this would be much clearer if it was tied to individual results in the program, per below – otherwise simple enrollment, which is not sensitive, would be breach notice information.

Thanks -- Jim

From: Kruger, Ryan <ryan.kruger@vermont.gov>
Sent: Wednesday, May 08, 2019 2:10 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew <andrew.kingman@us.dlapiper.com>; Halpert, Jim <jim.halpert@us.dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: Wellness Program Definition

[EXTERNAL]

"A wellness program is a program of health promotion or disease prevention." Are we all ok with this definition? It can be found in 45 CFR 146.121 but I'm not sure that's the best cite to use.

If this works, how about something like:

- (vii) (I) Health, wellness, or fitness records or records of the individual's performance in a program of health promotion or disease prevention (wellness program);
(II) a health care professional's medical diagnosis or treatment of the consumer; or

(III) a health insurance policy number.

David Hall might want to tweak this but it gets where I think we need to be. I'd just like to get this out the door to give leg counsel time to make changes.

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to postmaster@dlapiper.com. Thank you.

Kruger, Ryan

From: Halpert, Jim <jim.halpert@dlapiper.com>
Sent: Wednesday, May 8, 2019 2:13 PM
To: Kriger, Ryan; teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew; Maggie Lenz; Clark, Charity
Subject: RE: Wellness Program Definition

Ryan, thank you. I leave it to BCBS to comment on the CFR definition, but I think that this would be much clearer if it was tied to individual results in the program, per below – otherwise simple enrollment, which is not sensitive, would be breach notice information.

Thanks -- Jim

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Wednesday, May 08, 2019 2:10 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com; Kingman, Andrew <andrew.kingman@us.dlapiper.com>; Halpert, Jim <jim.halpert@us.dlapiper.com>; Maggie Lenz <maggie@leoninepublicaffairs.com>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: Wellness Program Definition

[EXTERNAL]

“A wellness program is a program of health promotion or disease prevention.” Are we all ok with this definition? It can be found in [45 CFR 146.121](#) but I’m not sure that’s the best cite to use.

If this works, how about something like:

- (vii) (I) Health, ~~wellness, or fitness~~ records or records of the individual’s performance in a program of health promotion or disease prevention (wellness program);
(II) a health care professional's medical diagnosis or treatment of the consumer; or
(III) a health insurance policy number.

David Hall might want to tweak this but it gets where I think we need to be. I’d just like to get this out the door to give leg counsel time to make changes.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to postmaster@dlapiper.com. Thank you.

Kruger, Ryan

From: Kruger, Ryan
Sent: Wednesday, May 8, 2019 2:10 PM
To: teachouts@bcbsvt.com; durkinm@bcbsvt.com; floydkd@fb.com;
andrew.kingman@dlapiper.com; Jim Halpert (jim.halpert@dlapiper.com); Maggie Lenz;
Clark, Charity
Subject: Wellness Program Definition

"A wellness program is a program of health promotion or disease prevention." Are we all ok with this definition? It can be found in [45 CFR 146.121](#) but I'm not sure that's the best cite to use.

If this works, how about something like:

- (vii) (I) ~~Health, wellness, or fitness records~~ or records of a program of health promotion or disease prevention (wellness program);
(II) a health care professional's medical diagnosis or treatment of the consumer; or
(III) a health insurance policy number.

David Hall might want to tweak this but it gets where I think we need to be. I'd just like to get this out the door to give leg counsel time to make changes.

-Ryan

Ryan G. Kruger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

Krigger, Ryan

Subject: Updated invitation: Conference Call @ Wed May 8, 2019 12pm - 1pm (EDT)
(ryan.krigger@vermont.gov)

Location: [REDACTED]

Start: Wed 5/8/2019 12:00 PM

End: Wed 5/8/2019 1:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: VT Team

This event has been changed.

[more details »](#)

Conference Call

When **Changed:** Wed May 8, 2019 12pm – 1pm Eastern Time - New York

Where [REDACTED] ([map](#))

Calendar ryan.krigger@vermont.gov

Who

- mlenzmcq@gmail.com - creator
- teachouts@bcbsvt.com
- ryan.krigger@vermont.gov
- durkinm@bcbsvt.com
- floydkd@fb.com
- andrew.kingman@dlapiper.com

Going (ryan.krigger@vermont.gov)? **Yes - Maybe - No** [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account ryan.krigger@vermont.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More](#).

Kruger, Ryan

From: Halpert, Jim <jim.halpert@dlapiper.com>
Sent: Wednesday, May 8, 2019 11:59 AM
To: Kriger, Ryan; Kingman, Andrew
Cc: Clark, Charity; Maggie Lenz
Subject: Re: S.110

Pam Dixon told me that she is OK with removing fitness records, as this includes gym sign in information.

Sent from my BlackBerry - the most secure mobile device

From: ryan.kruger@vermont.gov
Sent: May 8, 2019 8:10 AM
To: jim.halpert@us.dlapiper.com; andrew.kingman@us.dlapiper.com
Cc: Charity.Clark@vermont.gov; maggie@leoninepublicaffairs.com
Subject: S.110

[EXTERNAL]

Jim & Andy,

I have heard from Pam Dixon that the language we discussed yesterday does not appear to have buy-in from your coalition. As you know, the Committee is on a tight timeline and needs to move forward. The AGO has agreed to three different versions of the health PII definition (the Oregon definition, the compromise of two weeks ago that is currently in the bill, and yesterday's compromise). We are hopeful that your coalition will come to an agreement on one of these alternatives that is on the table. I want to give you the heads-up, however, that I do not believe lack of agreement among your coalition will prevent the bill from moving forward.

I would appreciate hearing from you on this as soon as practicable.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to postmaster@dlapiper.com. Thank you.

Kruger, Ryan

From: Kruger, Ryan
Sent: Wednesday, May 8, 2019 11:16 AM
To: Kingman, Andrew; Halpert, Jim
Cc: Clark, Charity; Maggie Lenz
Subject: RE: S.110

This was sent over to the legislature yesterday, as far as they're concerned it's the operative one. That said, we are having a call with BCBSVT later today as they had not had the opportunity to weigh in on the language.

New 9 VSA 2430(10)(vii) (replacing the existing section):

- (vii) (I) Health, wellness, or fitness records;
(II) a health care professional's medical diagnosis or treatment of the consumer; or
(III) a health insurance policy number.

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Kingman, Andrew <andrew.kingman@dlapiper.com>
Sent: Wednesday, May 8, 2019 11:13 AM
To: Kriger, Ryan <ryan.kruger@vermont.gov>; Halpert, Jim <jim.halpert@dlapiper.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: RE: S.110

Thanks Ryan. As there were several different definitions circulated yesterday, could you please send the most current one so that we are on the same page?

Best,
Andy

Andrew Kingman

Senior Managing Attorney

T +1 617.406.6037
M +1 774.313.9543
E andrew.kingman@dlapiper.com



DLA Piper LLP (US)
33 Arch Street, 26th Floor
Boston, Massachusetts 02110-1447
United States
www.dlapiper.com

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Wednesday, May 08, 2019 11:11 AM
To: Halpert, Jim <jim.halpert@us.dlapiper.com>; Kingman, Andrew <andrew.kingman@us.dlapiper.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: S.110

[EXTERNAL]

Jim & Andy,

I have heard from Pam Dixon that the language we discussed yesterday does not appear to have buy-in from your coalition. As you know, the Committee is on a tight timeline and needs to move forward. The AGO has agreed to three different versions of the health PII definition (the Oregon definition, the compromise of two weeks ago that is currently in the bill, and yesterday's compromise). We are hopeful that your coalition will come to an agreement on one of these alternatives that is on the table. I want to give you the heads-up, however, that I do not believe lack of agreement among your coalition will prevent the bill from moving forward.

I would appreciate hearing from you on this as soon as practicable.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to postmaster@dlapiper.com. Thank you.

Kruger, Ryan

From: Kingman, Andrew <andrew.kingman@dlapiper.com>
Sent: Wednesday, May 8, 2019 11:13 AM
To: Kriger, Ryan; Halpert, Jim
Cc: Clark, Charity; Maggie Lenz
Subject: RE: S.110

Thanks Ryan. As there were several different definitions circulated yesterday, could you please send the most current one so that we are on the same page?

Best,
Andy

Andrew Kingman
Senior Managing Attorney
T +1 617.406.6037
M +1 774.313.9543
E andrew.kingman@dlapiper.com



DLA Piper LLP (US)
33 Arch Street, 26th Floor
Boston, Massachusetts 02110-1447
United States
www.dlapiper.com

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Wednesday, May 08, 2019 11:11 AM
To: Halpert, Jim <jim.halpert@us.dlapiper.com>; Kingman, Andrew <andrew.kingman@us.dlapiper.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: S.110

[EXTERNAL]

Jim & Andy,

I have heard from Pam Dixon that the language we discussed yesterday does not appear to have buy-in from your coalition. As you know, the Committee is on a tight timeline and needs to move forward. The AGO has agreed to three different versions of the health PII definition (the Oregon definition, the compromise of two weeks ago that is currently in the bill, and yesterday's compromise). We are hopeful that your coalition will come to an agreement on one of these alternatives that is on the table. I want to give you the heads-up, however, that I do not believe lack of agreement among your coalition will prevent the bill from moving forward.

I would appreciate hearing from you on this as soon as practicable.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division

109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to postmaster@dlapiper.com. Thank you.

Kruger, Ryan

From: Kruger, Ryan
Sent: Wednesday, May 8, 2019 11:11 AM
To: Jim Halpert (jim.halpert@dlapiper.com); Kingman, Andrew
Cc: Clark, Charity; Maggie Lenz
Subject: S.110

Jim & Andy,

I have heard from Pam Dixon that the language we discussed yesterday does not appear to have buy-in from your coalition. As you know, the Committee is on a tight timeline and needs to move forward. The AGO has agreed to three different versions of the health PII definition (the Oregon definition, the compromise of two weeks ago that is currently in the bill, and yesterday's compromise). We are hopeful that your coalition will come to an agreement on one of these alternatives that is on the table. I want to give you the heads-up, however, that I do not believe lack of agreement among your coalition will prevent the bill from moving forward.

I would appreciate hearing from you on this as soon as practicable.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

Subject: Updated invitation: Conference Call @ Wed May 8, 2019 12pm - 1pm (EDT)
(ryan.kruger@vermont.gov)

Location: [REDACTED]

Start: Wed 5/8/2019 12:00 PM

End: Wed 5/8/2019 1:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: VT Team

This event has been changed.

[more details »](#)

Conference Call

When **Changed:** Wed May 8, 2019 12pm – 1pm Eastern Time - New York

Where [REDACTED] ([map](#))

Calendar ryan.kruger@vermont.gov

Who

- mlenzmcq@gmail.com - creator
- teachouts@bcbsvt.com
- ryan.kruger@vermont.gov
- durkinm@bcbsvt.com
- floydkd@fb.com
- andrew.kingman@dlapiper.com

Going (ryan.kruger@vermont.gov)? **Yes - Maybe - No** [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account ryan.kruger@vermont.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More.](#)

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 9:35 PM
To: Kriger, Ryan
Cc: Sara Teachout; Michael Durkin
Subject: Re: S.110 Health Information PII

Sorry for all the back and forth. 12 would be much better for us though if you guys can do that. Or anytime after. I'm in meetings before that.

Sent from my iPhone

On May 7, 2019, at 9:31 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

I thought testimony on S110 was tomorrow. I see now it is in fact Thursday. So we don't have to rush to do it in the morning. I can still get on at 8:45, whatever works for people.

On May 7, 2019, at 8:51 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Yes, Michael Durkin will be on the call for BCBSVT and I will jump on/off depending on the timing of my presentation.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 8:38 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Sara Teachout <TeachoutS@bcbsvt.com>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

8:45 work for you both? I can send a conference call number. Andy Kingman will join us.

Sent from my iPhone

On May 7, 2019, at 8:21 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz
[mailto:maggie@leoninepublicaffairs.com]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and
Media Relations
Blue Cross and Blue Shield of
Vermont
P.O. Box 186 Montpelier VT 05601-
0186

teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan
[mailto:ryan.kriger@vermont.gov]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout
<TeachoutS@bcbsvt.com>
Cc: Maggie Lenz
<maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout
<TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity
<Charity.Clark@vermont.gov>; Kingman, Andrew
<andrew.kingman@dlapiper.com>; Halpert, Jim
<jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information

described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout
<TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan
<ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity
<Charity.Clark@vermont.gov>;
Kingman, Andrew
<andrew.kingman@dlapiper.com>;
Halpert, Jim
<jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand

what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan
[mailto:ryan.kriger@vermont.gov]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger
Assistant Attorney General

Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its

contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Kruger, Ryan
Sent: Tuesday, May 7, 2019 9:34 PM
To: Maggie Lenz
Cc: Sara Teachout; Michael Durkin
Subject: Re: S.110 Health Information PII

That works.

On May 7, 2019, at 9:32 PM, Maggie Lenz <maggie@leoninepublicaffairs.com> wrote:

Okay later then, please. Andy is getting off of a flight at 2am. Can we speak at 12?

Sent from my iPhone

On May 7, 2019, at 9:31 PM, Kruger, Ryan <ryan.kruger@vermont.gov> wrote:

I thought testimony on S110 was tomorrow. I see now it is in fact Thursday. So we don't have to rush to do it in the morning. I can still get on at 8:45, whatever works for people.

On May 7, 2019, at 8:51 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Yes, Michael Durkin will be on the call for BCBSVT and I will jump on/off depending on the timing of my presentation.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 8:38 PM
To: Kruger, Ryan <ryan.kruger@vermont.gov>
Cc: Sara Teachout <TeachoutS@bcbsvt.com>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

8:45 work for you both? I can send a conference call number. Andy Kingman will join us.

Sent from my iPhone

On May 7, 2019, at 8:21 PM, Kruger, Ryan <ryan.kruger@vermont.gov> wrote:

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout
<TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to
9 and am otherwise free.

From: Maggie Lenz
[<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout
<TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan
<ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information
PII

CAUTION: This email originated outside
of BCBSVT. DO NOT CLICK any links or
open attachments unless you recognize
the sender and know the content is
safe.

Hi Sara,

I'd prefer to have my client on the call
to get into the minutia so I am working
on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara
Teachout <TeachoutS@bcbsvt.com>
wrote:

Thank you all. My cell
is below and it would
be helpful to hear
your perspectives.

Sara Teachout
Director,
Government, Public,
and Media Relations
Blue Cross and Blue
Shield of Vermont

P.O. Box 186
Montpelier VT 05601-
0186
[teachouts@bcbsvt.co
m](mailto:teachouts@bcbsvt.com)
(802) 279-9686 (cell)
(802) 371-3254
(office)
<image001.png>
<image002.png>

From: Kriger, Ryan
[[mailto:ryan.kriger@ver
mont.gov](mailto:ryan.kriger@vermont.gov)]
Sent: Tuesday, May 07,
2019 6:27 PM
To: Sara Teachout
<[TeachoutS@bcbsvt.co
m](mailto:TeachoutS@bcbsvt.com)>
Cc: Maggie Lenz
<[maggie@leoninepubli
caffairs.com](mailto:maggie@leoninepublicaffairs.com)>
Subject: FW: S.110
Health Information PII

CAUTION: This email
originated outside of
BCBSVT. DO NOT
CLICK any links or
open attachments
unless you recognize
the sender and know
the content is safe.

Sara,

I am looping Maggie
Lenz, who represents
Facebook, into this
discussion, so that she
can be aware of your
concerns and perhaps
help with the
discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney
General
Vermont Office of the
Attorney General

Public Protection Division
109 State Street
Montpelier, VT 05609-
1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7,
2019 6:05 PM
To: Sara Teachout
<TeachoutS@bcbsvt.com
>; Michael Durkin
<DurkinM@bcbsvt.com
>
Cc: Clark, Charity
<Charity.Clark@vermont.gov>; Kingman,
Andrew
<andrew.kingman@dlapiper.com>; Halpert,
Jim
<jim.halpert@dlapiper.com>
Subject: RE: S.110
Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired

should be notified.
There is a hearing
tomorrow at 9:30 on
this, and I can meet
with you beforehand.

Jim and Andy, cc'd
here, represent the
Coalition, so they may
want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney
General
Vermont Office of the
Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-
1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout
<TeachoutS@bcbsvt.com
>

Sent: Tuesday, May 7,
2019 5:56 PM

To: Kriger, Ryan
<ryan.kriger@vermont.gov>; Michael Durkin
<DurkinM@bcbsvt.com
>

Cc: Clark, Charity
<Charity.Clark@vermont.gov>; Kingman,
Andrew
<andrew.kingman@dlapiper.com>; Halpert,
Jim
<jim.halpert@dlapiper.com>

Subject: RE: S.110
Health Information PII

Dear Ryan,
First of all, thank you
very much for
keeping us informed
of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again,
Sara

From: Kriger, Ryan
[mailto:ryan.kriger@vermont.gov]

Sent: Tuesday, May 07, 2019 2:19 PM

To: Kelly Lange
<langek@bcbsvt.com>;
Michael Durkin
<DurkinM@bcbsvt.com>; Sara Teachout
<TeachoutS@bcbsvt.com>

Cc: Clark, Charity
<Charity.Clark@vermont.gov>; Kingman,

Andrew
<[andrew.kingman@dla
piper.com](mailto:andrew.kingman@dla
piper.com)>; Halpert,
Jim
<[jim.halpert@dlapiper.
com](mailto:jim.halpert@dlapiper.
com)>
Subject: S.110 Health
Information PII

CAUTION: This email
originated outside of
BCBSVT. DO NOT
CLICK any links or
open attachments
unless you recognize
the sender and know
the content is safe.

I am writing because
some industry
stakeholders requested
a change to the "Health
Information" definition
under PII. After much
negotiation, the
following new
definition was
proposed. Please note
that the HIPAA
exemption still stands,
so this definition might
not impact your
business, but I wanted
to ensure that you are
informed of where
things are:

(vii) (I) Health,
wellness, or fitness
records;

(II) a health
care professional's
medical diagnosis or
treatment of the
consumer; or

(III) a health
insurance policy
number.

Ryan G. Kriger

Assistant Attorney
General
Vermont Office of the
Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-
1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY
NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY
NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-

mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 9:33 PM
To: Kruger, Ryan
Cc: Sara Teachout; Michael Durkin
Subject: Re: S.110 Health Information PII

Okay later then, please. Andy is getting off of a flight at 2am. Can we speak at 12?

Sent from my iPhone

On May 7, 2019, at 9:31 PM, Kruger, Ryan <ryan.kruger@vermont.gov> wrote:

I thought testimony on S110 was tomorrow. I see now it is in fact Thursday. So we don't have to rush to do it in the morning. I can still get on at 8:45, whatever works for people.

On May 7, 2019, at 8:51 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Yes, Michael Durkin will be on the call for BCBSVT and I will jump on/off depending on the timing of my presentation.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 8:38 PM
To: Kruger, Ryan <ryan.kruger@vermont.gov>
Cc: Sara Teachout <TeachoutS@bcbsvt.com>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

8:45 work for you both? I can send a conference call number. Andy Kingman will join us.

Sent from my iPhone

On May 7, 2019, at 8:21 PM, Kruger, Ryan <ryan.kruger@vermont.gov> wrote:

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz
[mailto:maggie@leoninepublicaffairs.com]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and
Media Relations
Blue Cross and Blue Shield of
Vermont
P.O. Box 186 Montpelier VT 05601-
0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan
[mailto:ryan.kriger@vermont.gov]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout
<TeachoutS@bcbsvt.com>
Cc: Maggie Lenz
<maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan

Sent: Tuesday, May 7, 2019 6:05 PM

To: Sara Teachout

[<TeachoutS@bcbsvt.com>](mailto:TeachoutS@bcbsvt.com); Michael Durkin [<DurkinM@bcbsvt.com>](mailto:DurkinM@bcbsvt.com)

Cc: Clark, Charity

[<Charity.Clark@vermont.gov>](mailto:Charity.Clark@vermont.gov);

Kingman, Andrew

[<andrew.kingman@dlapiper.com>](mailto:andrew.kingman@dlapiper.com);

Halpert, Jim

[<jim.halpert@dlapiper.com>](mailto:jim.halpert@dlapiper.com)

Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were

acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout

[<TeachoutS@bcbsvt.com>](mailto:TeachoutS@bcbsvt.com)

Sent: Tuesday, May 7, 2019 5:56 PM

To: Kriger, Ryan

[<ryan.kriger@vermont.gov>](mailto:ryan.kriger@vermont.gov); Michael
Durkin [<DurkinM@bcbsvt.com>](mailto:DurkinM@bcbsvt.com)

Cc: Clark, Charity

[<Charity.Clark@vermont.gov>](mailto:Charity.Clark@vermont.gov);

Kingman, Andrew

[<andrew.kingman@dlapiper.com>](mailto:andrew.kingman@dlapiper.com);

Halpert, Jim

[<jim.halpert@dlapiper.com>](mailto:jim.halpert@dlapiper.com)

Subject: RE: S.110 Health Information
PII

Dear Ryan,

First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand

what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan
[mailto:ryan.kriger@vermont.gov]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>;
Michael Durkin
<DurkinM@bcbsvt.com>; Sara
Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity
<Charity.Clark@vermont.gov>;
Kingman, Andrew
<andrew.kingman@dlapiper.com>;
Halpert, Jim
<jim.halpert@dlapiper.com>
Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger
Assistant Attorney General

Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its

contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 9:31 PM
To: Sara Teachout
Cc: Maggie Lenz; Michael Durkin
Subject: Re: S.110 Health Information PII

I thought testimony on S110 was tomorrow. I see now it is in fact Thursday. So we don't have to rush to do it in the morning. I can still get on at 8:45, whatever works for people.

On May 7, 2019, at 8:51 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Yes, Michael Durkin will be on the call for BCBSVT and I will jump on/off depending on the timing of my presentation.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 8:38 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Sara Teachout <TeachoutS@bcbsvt.com>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

8:45 work for you both? I can send a conference call number. Andy Kingman will join us.

Sent from my iPhone

On May 7, 2019, at 8:21 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT.
DO NOT CLICK any links or open attachments
unless you recognize the sender and know the
content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General

Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT.
DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 9:22 PM
To: Sara Teachout
Cc: Kriger, Ryan; Andrew Kingman; Michael Durkin
Subject: Re: Call

No 8:45 is my earliest because I will be closing one meeting and heading to the next. I'll send a calendar invite for 8:45.

Sent from my iPhone

> On May 7, 2019, at 9:09 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

>

> Let's try the 8:30 and follow up later if necessary.

>

>

> -----Original Message-----

> From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]

> Sent: Tuesday, May 07, 2019 9:05 PM

> To: Sara Teachout <TeachoutS@bcbsvt.com>

> Cc: Ryan.Kruger@vermont.gov; Andrew Kingman

> <andrew.kingman@dlapiper.com>; Michael Durkin <DurkinM@bcbsvt.com>

> Subject: Re: Call

>

> CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

>

>

> I have a meeting that ends at 8:30 so that is the earliest I can talk. I hope that gives us enough time. We are available after 11 also if that works better for people.

>

> Sent from my iPhone

>

>> On May 7, 2019, at 9:01 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

>>

>> Thank you. I added Michael.

>>

>>

>> -----Original Message-----

>> From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]

>> Sent: Tuesday, May 07, 2019 9:00 PM

>> To: Sara Teachout <TeachoutS@bcbsvt.com>; Ryan.Kruger@vermont.gov;

>> Andrew Kingman <andrew.kingman@dlapiper.com>

>> Subject: Call

>>

>> CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

>>

>>

>> _ Sounds like before 9am is when we need to talk. Can folks do 8:45?

>>



>>

>> Please confirm.

>>

>> Thank you!

>>

>> Maggie

>>

>> CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

>

> CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 9:09 PM
To: Maggie Lenz
Cc: Kriger, Ryan; Andrew Kingman; Michael Durkin
Subject: RE: Call

Let's try the 8:30 and follow up later if necessary.

-----Original Message-----

From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]
Sent: Tuesday, May 07, 2019 9:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Ryan.Kruger@vermont.gov; Andrew Kingman <andrew.kingman@dlapiper.com>; Michael Durkin <DurkinM@bcbsvt.com>
Subject: Re: Call

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I have a meeting that ends at 8:30 so that is the earliest I can talk. I hope that gives us enough time. We are available after 11 also if that works better for people.

Sent from my iPhone

> On May 7, 2019, at 9:01 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:


>
> Thank you. I added Michael.

>
>
> -----Original Message-----

> **From:** Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]
> **Sent:** Tuesday, May 07, 2019 9:00 PM
> **To:** Sara Teachout <TeachoutS@bcbsvt.com>; Ryan.Kruger@vermont.gov; Andrew Kingman <andrew.kingman@dlapiper.com>
> **Subject:** Call

>
> CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

>
>
> Sounds like before 9am is when we need to talk. Can folks do 8:45?

>
> 
> Please confirm.

>
> Thank you!
>
> Maggie

>
> CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 9:05 PM
To: Sara Teachout
Cc: Kriger, Ryan; Andrew Kingman; Michael Durkin
Subject: Re: Call

I have a meeting that ends at 8:30 so that is the earliest I can talk. I hope that gives us enough time. We are available after 11 also if that works better for people.

Sent from my iPhone

> On May 7, 2019, at 9:01 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

>

> Thank you. I added Michael.

>

>

> -----Original Message-----

> From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]

> Sent: Tuesday, May 07, 2019 9:00 PM

> To: Sara Teachout <TeachoutS@bcbsvt.com>; Ryan.Kruger@vermont.gov; Andrew Kingman <andrew.kingman@dlapiper.com>

> Subject: Call

>


> CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

>

>

> Sounds like before 9am is when we need to talk. Can folks do 8:45?

>

> 
> Please confirm.

>

> Thank you!

>

> Maggie

>

> CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 9:01 PM
To: Maggie Lenz; Kriger, Ryan; Andrew Kingman; Michael Durkin
Subject: RE: Call

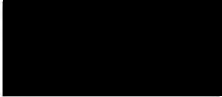
Thank you. I added Michael.

-----Original Message-----

From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]
Sent: Tuesday, May 07, 2019 9:00 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Ryan.Kruger@vermont.gov; Andrew Kingman <andrew.kingman@dlapiper.com>
Subject: Call

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sounds like before 9am is when we need to talk. Can folks do 8:45?



Please confirm.

Thank you!

Maggie

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 9:00 PM
To: TeachoutS@bcbsvt.com; Kriger, Ryan; Andrew Kingman
Subject: Call

Sounds like before 9am is when we need to talk. Can folks do 8:45?



Please confirm.

Thank you!

Maggie

Kruger, Ryan

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 8:51 PM
To: Maggie Lenz; Kriger, Ryan
Cc: Michael Durkin
Subject: RE: S.110 Health Information PII

Yes, Michael Durkin will be on the call for BCBSVT and I will jump on/off depending on the timing of my presentation.

From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]
Sent: Tuesday, May 07, 2019 8:38 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Sara Teachout <TeachoutS@bcbsvt.com>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

8:45 work for you both? I can send a conference call number. Andy Kingman will join us.

Sent from my iPhone

On May 7, 2019, at 8:21 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM

To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 8:38 PM
To: Kruger, Ryan
Cc: Sara Teachout
Subject: Re: S.110 Health Information PII

8:45 work for you both? I can send a conference call number. Andy Kingman will join us.

Sent from my iPhone

On May 7, 2019, at 8:21 PM, Kruger, Ryan <ryan.kruger@vermont.gov> wrote:

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kruger, Ryan <ryan.kruger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout

Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's

appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew

<andrew.kingman@dlapiper.com>; Halpert, Jim

<jim.halpert@dlapiper.com>

Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 8:33 PM
To: Kriger, Ryan
Cc: Sara Teachout
Subject: Re: S.110 Health Information PII

Ryan, before 9:30 is going to be difficult but I'm trying to make it happen. Which hearing are you referring to? S.110 isn't scheduled again until Thursday, right?

Sent from my iPhone

On May 7, 2019, at 8:21 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World

Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>

Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>

Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 8:22 PM
To: Sara Teachout
Cc: Maggie Lenz
Subject: Re: S.110 Health Information PII

I'll make myself available, early if need be. There is a hearing at 9:30 and I would like to try to resolve this before then if possible.

-Ryan

Sent from my iPad

On May 7, 2019, at 7:57 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz [<mailto:maggie@leoninepublicaffairs.com>]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street

Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 7:58 PM
To: Maggie Lenz
Cc: Kriger, Ryan
Subject: RE: S.110 Health Information PII

Great. I am presenting from 8:30 to 9 and am otherwise free.

From: Maggie Lenz [mailto:maggie@leoninepublicaffairs.com]
Sent: Tuesday, May 07, 2019 7:17 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: Re: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan [mailto:ryan.kriger@vermont.gov]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan

Sent: Tuesday, May 7, 2019 6:05 PM

To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>

Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>

Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>

Sent: Tuesday, May 7, 2019 5:56 PM

To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>

Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>;

Halpert, Jim <jim.halpert@dlapiper.com>

Subject: RE: S.110 Health Information PII

Dear Ryan,

First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]

Sent: Tuesday, May 07, 2019 2:19 PM

To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>

Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>

Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are

hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 7:17 PM
To: Sara Teachout
Cc: Kriger, Ryan
Subject: Re: S.110 Health Information PII

Hi Sara,

I'd prefer to have my client on the call to get into the minutia so I am working on setting up a call.

Thanks!
Maggie

Sent from my iPhone

On May 7, 2019, at 6:29 PM, Sara Teachout <TeachoutS@bcbsvt.com> wrote:

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)
<image001.png>
<image002.png>

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General

Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 6:29 PM
To: Kriger, Ryan
Cc: Maggie Lenz
Subject: RE: S.110 Health Information PII

Thank you all. My cell is below and it would be helpful to hear your perspectives.

Sara Teachout
Director, Government, Public, and Media Relations
Blue Cross and Blue Shield of Vermont
P.O. Box 186 Montpelier VT 05601-0186
teachouts@bcbsvt.com
(802) 279-9686 (cell)
(802) 371-3254 (office)



**BlueCross BlueShield
of Vermont**
an independent licensee of the Blue Cross and Blue Shield Association

We'll see you through.

From: Kriger, Ryan [mailto:ryan.kriger@vermont.gov]
Sent: Tuesday, May 07, 2019 6:27 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Maggie Lenz <maggie@leoninepublicaffairs.com>
Subject: FW: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim

<jim.halpert@dlapiper.com>

Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>

Sent: Tuesday, May 7, 2019 5:56 PM

To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>

Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>

Subject: RE: S.110 Health Information PII

Dear Ryan,

First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]

Sent: Tuesday, May 07, 2019 2:19 PM

To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>

Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>

Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Kruger, Ryan
Sent: Tuesday, May 7, 2019 6:27 PM
To: Sara Teachout
Cc: Maggie Lenz
Subject: FW: S.110 Health Information PII

Sara,

I am looping Maggie Lenz, who represents Facebook, into this discussion, so that she can be aware of your concerns and perhaps help with the discussion.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Kriger, Ryan
Sent: Tuesday, May 7, 2019 6:05 PM
To: Sara Teachout <TeachoutS@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Sara,

On Friday, Facebook, which is part of the State Privacy and Security Coalition, raised concerns about the health definition that we agreed to a couple weeks ago. We reached out to the Coalition and, with the assistance of Pam Dixon, a privacy expert and the head of the World Privacy Forum, we came to the language below. We think it's appropriate that if the information described in the definition were acquired by someone unauthorized, the consumers whose data has been acquired should be notified. There is a hearing tomorrow at 9:30 on this, and I can meet with you beforehand.

Jim and Andy, cc'd here, represent the Coalition, so they may want to weigh in.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170

ryan.kriger@vermont.gov

From: Sara Teachout <TeachoutS@bcbsvt.com>
Sent: Tuesday, May 7, 2019 5:56 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Michael Durkin <DurkinM@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: RE: S.110 Health Information PII

Dear Ryan,
First of all, thank you very much for keeping us informed of the changes.

We do have serious concerns about adding "health, wellness, and fitness records." I don't think we fully understand the scope of the consequences of this addition and BCBSVT wellness programming is significant aspect of our work that may or may not fall under HIPAA.

Can we talk about this tomorrow in the State House? Who is suggesting these changes? A little additional context would help me understand what the legislature is trying to achieve with this addition.

I am available before 8:30 or after 9:30 and will be in the State House from mid-morning on.

Thank you again, Sara

From: Kriger, Ryan [<mailto:ryan.kriger@vermont.gov>]
Sent: Tuesday, May 07, 2019 2:19 PM
To: Kelly Lange <langek@bcbsvt.com>; Michael Durkin <DurkinM@bcbsvt.com>; Sara Teachout <TeachoutS@bcbsvt.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Kingman, Andrew <andrew.kingman@dlapiper.com>; Halpert, Jim <jim.halpert@dlapiper.com>
Subject: S.110 Health Information PII

CAUTION: This email originated outside of BCBSVT. DO NOT CLICK any links or open attachments unless you recognize the sender and know the content is safe.

I am writing because some industry stakeholders requested a change to the "Health Information" definition under PII. After much negotiation, the following new definition was proposed. Please note that the HIPAA exemption still stands, so this definition might not impact your business, but I wanted to ensure that you are informed of where things are:

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

CONFIDENTIALITY NOTICE: The information contained in this e-mail and any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail, or any of its contents, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the original message and any copy of it from your computer system. Thank you.

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Tuesday, May 7, 2019 4:23 PM
To: Michael Marcotte
Cc: Kriger, Ryan; David Hall; Clark, Charity
Subject: Re: New S.110 Health Information Language

Yes, we are in agreement. Thank you so much to all parties involved.

Sent from my iPhone

On May 7, 2019, at 4:17 PM, Michael Marcotte <MMarcotte@leg.state.vt.us> wrote:

Thanks Ryan

Sent from my iPad

On May 7, 2019, at 4:14 PM, Kriger, Ryan <ryan.kriger@vermont.gov> wrote:

Chairman Marcotte,

After much discussion, the following language was arrived at with the State Privacy & Security Coalition. I believe that Facebook was part of these conversations, I'll leave it to Maggie to confirm that her client also agrees with this language.

New 9 VSA 2430(10)(vii) (replacing the existing section):

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Michael Marcotte <MMarcotte@leg.state.vt.us>
Sent: Tuesday, May 7, 2019 4:17 PM
To: Kruger, Ryan
Cc: David Hall; Clark, Charity; Maggie Lenz
Subject: Re: New S.110 Health Information Language

Thanks Ryan

Sent from my iPad

On May 7, 2019, at 4:14 PM, Kruger, Ryan <ryan.kruger@vermont.gov> wrote:

Chairman Marcotte,

After much discussion, the following language was arrived at with the State Privacy & Security Coalition. I believe that Facebook was part of these conversations, I'll leave it to Maggie to confirm that her client also agrees with this language.

New 9 VSA 2430(10)(vii) (replacing the existing section):

- (vii) (I) Health, wellness, or fitness records;
(II) a health care professional's medical diagnosis or treatment of the consumer; or
(III) a health insurance policy number.

-Ryan

Ryan G. Kruger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

Kruger, Ryan

From: Kruger, Ryan
Sent: Tuesday, May 7, 2019 4:14 PM
To: Michael Marcotte
Cc: David Hall (dhall@leg.state.vt.us); Clark, Charity; Maggie Lenz
Subject: New S.110 Health Information Language

Chairman Marcotte,

After much discussion, the following language was arrived at with the State Privacy & Security Coalition. I believe that Facebook was part of these conversations, I'll leave it to Maggie to confirm that her client also agrees with this language.

New 9 VSA 2430(10)(vii) (replacing the existing section):

- (vii) (I) Health, wellness, or fitness records;
- (II) a health care professional's medical diagnosis or treatment of the consumer; or
- (III) a health insurance policy number.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 4:18 PM
To: Kruger, Ryan
Cc: Liz Raddock; Michael Marcotte
Subject: Re: S.110

Thanks, all. Really appreciate it.

Sent from my iPhone

On May 6, 2019, at 3:43 PM, Kruger, Ryan <ryan.kruger@vermont.gov> wrote:

Yes that works.

Ryan G. Kruger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:36 PM
To: Liz Raddock <LRaddock@leg.state.vt.us>
Cc: Michael Marcotte <MMarcotte@leg.state.vt.us>; Kruger, Ryan <ryan.kruger@vermont.gov>
Subject: Re: S.110

That works for me if it works for everyone else.

Sent from my iPhone

On May 6, 2019, at 3:25 PM, Liz Raddock <LRaddock@leg.state.vt.us> wrote:

Ok –
Cancel S.110, 9:30 a.m. Tues. and move to Wed. at 9:30 a.m.?

Tuesday, May 07, 2019

9:00 AM

S. 131 - An act relating to insurance and securities

House Ways and Means Amendment
Rep. Scott Beck

9:30 AM

S. 110 - An act relating to data privacy and consumer protection

Mark-up

David Hall, Legislative Counsel, Office of
Legislative Council

Ryan Kriger, Assistant Attorney General,
Attorney General's Office

Maggie Lenz, Lobbyist, FaceBook - Invited

10:00 AM **House Floor and Caucus**

10 min. after Caucus TBA

12:00 PM **Lunch**

1:00 PM **TBA**

Wednesday, May 08, 2019

9:00 AM **S. 108 - An act relating to employee
misclassification**

Damien Leonard, Legislative Counsel, Office
of Legislative Council

Joshua Diamond, Deputy Attorney General,
Attorney General's Office - Invited

David Mickenberg, Lobbyist, Vermont
Association for Justice

Cameron Wood, Director, Unemployment
Insurance Division, Department of Labor

Dirk Anderson, General Counsel, Department
of Labor

10:30 AM **House Floor**

10 min. after Floor TBA

12:00 PM **Lunch**

1:00 PM **TBA**

Thursday, May 09, 2019

9:00 AM **S. 162 - An act relating to promoting economic development**
David Hall, Legislative Counsel, Office of
Legislative Council - Invited

10:30 AM **TBA**

12:00 PM **Lunch**

1:00 PM **House Floor**

10 min. after Floor **TBA**

Friday, May 10, 2019

9:00 AM **Committee Discussion**

9:30 AM **House Floor**

10 min. after Floor **TBA**

12:00 PM **Lunch**

1:00 PM **TBA**

Liz First Raddock
Legislative Committee Assistant
House Commerce and Economic Development Committee
802-828-2255
lraddock@leg.state.vt.us

From: Michael Marcotte
Sent: Monday, May 06, 2019 3:23 PM
To: Maggie Lenz <maggie@leoninepublicaffairs.com>; Ryan.Krigger@vermont.gov; Liz Raddock <LRaddock@leg.state.vt.us>
Subject: Re: S.110

I'm fine with 24 hours longer.

Mike

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:19:31 PM
To: Ryan.Kruger@vermont.gov; Michael Marcotte
Subject: S.110

Assistant Attorney General Kriger and Chair Marcotte,

Facebook along with the SPSC are working on providing language for the PII data breach notice provision that would be agreeable to all parties. We know this is extremely last minute and I sincerely apologize for the headaches this has caused. If possible, we would respectfully request 24 additional hours to finish this negotiation and come to a resolution before finalizing and voting S.110 out of committee. Please let me know if this is possible.

I really appreciate the time you have both put into this and I know we are very nearly at the finish line.

Thank you for your consideration,

Maggie

--
Maggie Lenz
Leonine Public Affairs
[802.279.4262](tel:802.279.4262) (c) [802.229.4900](tel:802.229.4900) x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Kruger, Ryan
Sent: Monday, May 6, 2019 3:44 PM
To: Maggie Lenz; Liz Raddock
Cc: Michael Marcotte
Subject: RE: S.110

Yes that works.

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:36 PM
To: Liz Raddock <LRaddock@leg.state.vt.us>
Cc: Michael Marcotte <MMarcotte@leg.state.vt.us>; Kriger, Ryan <ryan.kruger@vermont.gov>
Subject: Re: S.110

That works for me if it works for everyone else.

Sent from my iPhone

On May 6, 2019, at 3:25 PM, Liz Raddock <LRaddock@leg.state.vt.us> wrote:

Ok –
Cancel S.110, 9:30 a.m. Tues. and move to Wed. at 9:30 a.m.?

Tuesday, May 07, 2019

9:00 AM

S. 131 - An act relating to insurance and securities
House Ways and Means Amendment
Rep. Scott Beck

9:30 AM

S. 110 - An act relating to data privacy and consumer protection
Mark-up
David Hall, Legislative Counsel, Office of Legislative Council
Ryan Kriger, Assistant Attorney General, Attorney General's Office
Maggie Lenz, Lobbyist, FaceBook - Invited

10:00 AM **House Floor and Caucus**

10 min. after Caucus TBA

12:00 PM **Lunch**

1:00 PM **TBA**

Wednesday, May 08, 2019

9:00 AM

S. 108 - An act relating to employee misclassification

Damien Leonard, Legislative Counsel, Office of Legislative Council

Joshua Diamond, Deputy Attorney General, Attorney General's Office - Invited

David Mickenberg, Lobbyist, Vermont Association for Justice

Cameron Wood, Director, Unemployment Insurance Division, Department of Labor

Dirk Anderson, General Counsel, Department of Labor

10:30 AM **House Floor**

10 min. after Floor TBA

12:00 PM **Lunch**

1:00 PM **TBA**

Thursday, May 09, 2019

9:00 AM

S. 162 - An act relating to promoting economic development

David Hall, Legislative Counsel, Office of Legislative Council - Invited

10:30 AM **TBA**

12:00 PM **Lunch**

1:00 PM House Floor

10 min. after Floor TBA

Friday, May 10, 2019

9:00 AM Committee Discussion

9:30 AM House Floor

10 min. after Floor TBA

12:00 PM Lunch

1:00 PM TBA

Liz First Raddock
Legislative Committee Assistant
House Commerce and Economic Development Committee
802-828-2255
lraddock@leg.state.vt.us

From: Michael Marcotte
Sent: Monday, May 06, 2019 3:23 PM
To: Maggie Lenz <maggie@leoninepublicaffairs.com>; Ryan.Krigger@vermont.gov; Liz Raddock <LRaddock@leg.state.vt.us>
Subject: Re: S.110

I'm fine with 24 hours longer.

Mike

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:19:31 PM
To: Ryan.Krigger@vermont.gov; Michael Marcotte
Subject: S.110

Assistant Attorney General Kriger and Chair Marcotte,

Facebook along with the SPSC are working on providing language for the PII data breach notice provision that would be agreeable to all parties. We know this is extremely last minute and I sincerely apologize for the headaches this has caused. If possible, we would respectfully request 24 additional hours to finish this negotiation and come to a resolution before finalizing and voting S.110 out of committee. Please let me know if this is possible.

I really appreciate the time you have both put into this and I know we are very nearly at the finish line.

Thank you for your consideration,

Maggie

Maggie Lenz

Leonine Public Affairs

802.279.4262 (c) 802.229.4900 x. 126 (o)

leoninepublicaffairs.com

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:36 PM
To: Liz Raddock
Cc: Michael Marcotte; Kriger, Ryan
Subject: Re: S.110

That works for me if it works for everyone else.

Sent from my iPhone

On May 6, 2019, at 3:25 PM, Liz Raddock <LRaddock@leg.state.vt.us> wrote:

Ok –
Cancel S.110, 9:30 a.m. Tues. and move to Wed. at 9:30 a.m.?

Tuesday, May 07, 2019

9:00 AM

S. 131 - An act relating to insurance and securities

House Ways and Means Amendment

Rep. Scott Beck

9:30 AM

S. 110 - An act relating to data privacy and consumer protection

Mark-up

David Hall, Legislative Counsel, Office of Legislative Council

Ryan Kriger, Assistant Attorney General, Attorney General's Office

Maggie Lenz, Lobbyist, FaceBook - Invited

10:00 AM

House Floor and Caucus

10 min. after Caucus TBA

12:00 PM

Lunch

1:00 PM

TBA

Wednesday, May 08, 2019

9:00 AM

S. 108 - An act relating to employee misclassification

Damien Leonard, Legislative Counsel, Office of Legislative Council

Joshua Diamond, Deputy Attorney General, Attorney General's Office - Invited

David Mickenberg, Lobbyist, Vermont Association for Justice

Cameron Wood, Director, Unemployment Insurance Division, Department of Labor

Dirk Anderson, General Counsel, Department of Labor

10:30 AM **House Floor**

10 min. after Floor **TBA**

12:00 PM **Lunch**

1:00 PM **TBA**

Thursday, May 09, 2019

9:00 AM

S. 162 - An act relating to promoting economic development

David Hall, Legislative Counsel, Office of Legislative Council - Invited

10:30 AM

TBA

12:00 PM

Lunch

1:00 PM

House Floor

10 min. after Floor **TBA**

Friday, May 10, 2019

9:00 AM

Committee Discussion

9:30 AM

House Floor

10 min. after Floor **TBA**

12:00 PM

Lunch

1:00 PM

TBA

Liz First Raddock
Legislative Committee Assistant
House Commerce and Economic Development Committee
802-828-2255
lraddock@leg.state.vt.us

From: Michael Marcotte
Sent: Monday, May 06, 2019 3:23 PM
To: Maggie Lenz <maggie@leoninepublicaffairs.com>; Ryan.Kruger@vermont.gov; Liz Raddock <LRaddock@leg.state.vt.us>
Subject: Re: S.110

I'm fine with 24 hours longer.

Mike

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:19:31 PM
To: Ryan.Kruger@vermont.gov; Michael Marcotte
Subject: S.110

Assistant Attorney General Kriger and Chair Marcotte,

Facebook along with the SPSC are working on providing language for the PII data breach notice provision that would be agreeable to all parties. We know this is extremely last minute and I sincerely apologize for the headaches this has caused. If possible, we would respectfully request 24 additional hours to finish this negotiation and come to a resolution before finalizing and voting S.110 out of committee. Please let me know if this is possible.

I really appreciate the time you have both put into this and I know we are very nearly at the finish line.

Thank you for your consideration,

Maggie

--
Maggie Lenz
Leonine Public Affairs
802.279.4262 (c) 802.229.4900 x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:20 PM
To: Kruger, Ryan; mmarcotte@leg.state.vt.us
Subject: S.110

Assistant Attorney General Kruger and Chair Marcotte,

Facebook along with the SPSC are working on providing language for the PII data breach notice provision that would be agreeable to all parties. We know this is extremely last minute and I sincerely apologize for the headaches this has caused. If possible, we would respectfully request 24 additional hours to finish this negotiation and come to a resolution before finalizing and voting S.110 out of committee. Please let me know if this is possible.

I really appreciate the time you have both put into this and I know we are very nearly at the finish line.

Thank you for your consideration,

Maggie

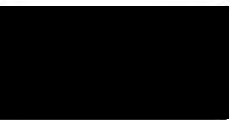
Maggie Lenz
Leonine Public Affairs
802.279.4262 (c) 802.229.4900 x. 126 (o)
leoninepublicaffairs.com

Kruger, Ryan

From: Kruger, Ryan
Sent: Thursday, November 15, 2018 11:52 AM
To: 'jordan.abbott@acxiom.com'; Bailey, Todd; 'brighton@internetassociation.org'; 'kcallahan@comptia.org'; 'bcampion@leg.state.vt.us'; 'sheila.colclasure@acxiom.com'; 'tammy@leoninefocus.com'; 'vtbanker@sover.net'; 'pdixon@worldprivacyforum.org'; 'eric@leoninepublicaffairs.com'; 'jason.esteves@equifax.com'; 'kia.floyd@relx.com'; 'joshua.franco@amnesty.org'; 'jgage@egov.com'; 'stephanie.gunselman@equifax.com'; 'amul@eff.org'; Kennedy, Jeanne; 'sohs@cdiaonline.org'; 'josh.lauer@unh.edu'; 'mmincieli@technet.org'; 'coswald@thedma.org'; 'nrussell2@law.fordham.edu'; Storrow, Chuck; 'ashten@vermont.org'; 'jtarrant@mywebgrocer.com'; 'auburn@vtnetwork.org'; 'cwhite@aclvt.org'; 'twilkerson@necta.info'; Z, Dylan; 'choofnagle@berkeley.edu'; 'ztomanelli@vpirg.org'; 'mike@tcivt.net'; 'jim.halpert@dlapiper.com'; 'davids@healthylivingmarket.com'; Laing, Andrew; Quinn, John; 'Heather.Roszkowski@uvmhealth.org'; 'brian.g.cavanagh.mil@mail.mil'; Carbee, Scott; Bornemann, Erica; Herrick, Christopher; 'susmann@norwich.edu'; 'hread@norwich.edu'; 'jim.condos@sec.state.vt.us'; 'krowley@norwich.edu'; 'wintersmind@gmail.com'; 'SKhader@nationallife.com'; 'David.Darais@uvm.edu'; 'james.eddy@uvm.edu'; 'sgrant@consumerfed.org'; 'johnb@nclnet.org'; 'contact@consumerwatchdog.org'; 'linda.sherry@consumer-action.org'; 'press@privacyrights.org'; 'info@epic.org'; 'tien@eff.org'; 'adam@eff.org'; 'dimitri@globalz.com'; 'mborick@drm.com'; 'dthelander@gravelshea.com'; 'darrell.villaruz@equifax.com'; 'eellman@cdiaonline.org'; 'rajewski@champlain.edu'; 'joebergeron@vermontcreditunions.coop'; 'John_Sutich@cable.comcast.com'; Oski, Jessica; 'megan@duckduckgo.com'; 'chris@mmvt.com'; Purvis, Clay; Peterson, Christine; 'mark.heyman@logicsupply.com'; 'afoxjohnson@commonsense.org'; 'cfisher@technet.org'; Needle, Greg; 'davitian@cctv.org'; 'jnear@uvm.edu'; 'blewandoski@drm.com'; 'Andrew.Kingman@dlapiper.com'; Feehan, James; 'bsheltonh@hotmail.com'; Marshall, Tanya; 'chris.winters@sec.state.vt.us'; 'jenny.prosser@sec.state.vt.us'; 'katie.mcinnis@consumer.org'; 'jbrill@microsoft.com'; 'bmorris@vtlobbyists.com'; 'abender@warren-news.com'; Landen, Xander
Cc: Curtis, Christopher; Clark, Charity; Jandl, Lauren
Subject: Tonight's Privacy Hearing Dial-In

Tonight's Privacy Hearing will take place at 5:30 PM at 109 State St, Montpelier (the Pavilion Building) in the Auditorium. This is a change from the third-floor.

The dial-in is:



-Ryan

Ryan G. Kruger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001

ph: (802) 828-3170
ryan.kriger@vermont.gov

Kruger, Ryan

From: Kriger, Ryan
Sent: Thursday, October 18, 2018 11:41 AM
To: Jerry Tarrant; Roszkowski, Heather; Matt Borick; Jonathan Rajewski; Sherman, Nick; MacLean, Alex; Jennifer A. Vander Veer; mbero@hbinsurance.com
Cc: Anders, Sarah; Jandl, Lauren; Donovan, Thomas; Clark, Charity
Subject: RE: Tech Jam Planning
Attachments: Tech Jam Panel Scenario.docx; Anatomy of a Data Breach Slides.pptx

I am looking forward to working with you all tomorrow. Attached is an updated version of the script and the slides for tomorrow's panel. If you have any questions please let me know. After COB tonight I can be reached on my cell at [REDACTED]

-Ryan

From: Jandl, Lauren
Sent: Tuesday, October 16, 2018 11:35 AM
To: Jerry Tarrant <jtarrant@mywebgrocer.com>; Roszkowski, Heather <Heather.Roszkowski@uvmhealth.org>; Matt Borick <mborick@drm.com>; Jonathan Rajewski <rajewski@champlain.edu>; Sherman, Nick <nick@leoninepublicaffairs.com>; MacLean, Alex <alex@leoninepublicaffairs.com>; Jennifer A. Vander Veer <jennifer.vanderveer@ic.fbi.gov>; mbero@hbinsurance.com
Cc: Anders, Sarah <Sarah.Anders@partner.vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Subject: RE: Tech Jam Planning

Thank you for participating into today's conference call. To recap:

- Panel begins at 10:15AM on Friday at the Champlain Valley Expo. Seven Days asks that you please arrive by 10AM.
- We are developing a one-page handout for participants. If you would like to include your or your business' contact information, please respond and include the information to be published, including any branding.
- There is still time and space for folks to register to attend. Please continue to share the panel details with your networks.

I look forward to seeing you all on Friday.

Best,

Lauren

Lauren Jandl
Small Business Advocate

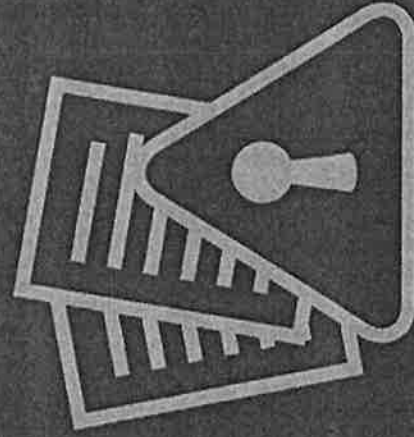
Vermont Attorney General's Office
Consumer Assistance Program
109 State Street
Montpelier, VT 05609

Direct: 802-489-7155 / CAP Hotline: 1-800-649-2424
Email: lauren.jandl@vermont.gov

OFFICE OF THE ATTORNEY GENERAL PRESENTS

Anatomy of a Data Breach

Is your small business ready?



@TECH JAM

FRI., OCT. 19, 10:15 A.M.
CHAMPLAIN VALLEY EXPO

PANELISTS:

- **Jerry Tarrant**, Co-founder and Chief Operating Officer, MyWebGrocer
- **Heather Roszkowski**, Chief Information Security Officer, UVM Health Network
- **Matt Borick**, Attorney, Downs Rachlin Martin
- **Jonathan Rajewski**, Director, Leahy Center for Digital Investigation at Champlain College
- **Nick Sherman**, Partner, Leonine Public Affairs
- **Mindy Higgins Bero**, Insurance Agent, Hickok & Boardman
- **Jennifer Vander Veer**, Special Agent, Federal Bureau of Investigations
- **Ryan Kriger**, Assistance Attorney General, Vermont Attorney General's Office

THE "BUSINESS":

**EOL
SOLUTIONS**

THE BEST CHOICE FOR YOUR HOME
BURLINGTON - BENNINGTON
BRATTLEBORO - BARRE - BOW

PHISHING EMAIL:

USPS.COM

Notification

Your parcel has arrived at May 11th, 2014. Courier was unable to deliver the parcel to you.

Print your label and show it in the nearest post office to get a parcel.

Print Shipping Label

Copyright 2014 USPS. All Rights Reserved.

SPEAR-PHISHING EMAIL:

From: Jerry.Tarrant@EOLSolutions.com
To: Shirley.Jones@EOLSolutions.com
Subject: Treat as Urgent
Date: February 15, 2015 10:55 AM

Hi, Shirley,

I need copies of all employees' W-2 wage and tax statements for 2014 to complete a business transaction. I need them in PDF format. Please send them as an attachment as soon as you can.

Regards,
Jerry

RANSOMWARE:

!!! IMPORTANT INFORMATION !!!!

All of your files are encrypted with RSA-2048 and AES-128 ciphers.
More information about the RSA and AES can be found here:

[http://en.wikipedia.org/wiki/RSA \(cryptosystem\)](http://en.wikipedia.org/wiki/RSA_(cryptosystem))
[http://en.wikipedia.org/wiki/Advanced Encryption Standard](http://en.wikipedia.org/wiki/Advanced_Encryption_Standard)

Decrypting of your files is only possible with the private key and decrypt program, which is on our secret server.
To receive your private key follow one of the links:

1. <http://5n7y4yihircffc5.tor2web.org/ZK7FHR7SWXHKNQDX>
2. <http://5n7y4yihircffc5.onion.to/ZK7FHR7SWXHKNQDX>

If all of this addresses are not available, follow these steps:

1. Download and install Tor Browser: <https://www.torproject.org/download/download-easy.html>
2. After a successful installation, run the browser and wait for initialization.
3. Type in the address bar: [5n7y4yihircffc5.onion/ZK7FHR7SWXHKNQDX](http://5n7y4yihircffc5.onion.to/ZK7FHR7SWXHKNQDX)
4. Follow the instructions on the site.

!!! Your personal identification ID: [ZK7FHR7SWXHKNQDX](http://5n7y4yihircffc5.onion.to/ZK7FHR7SWXHKNQDX) !!!

RANSOMWARE:

How to buy Locky Decryptor™?

- 1 You can make a payment with BitCoins, there are many methods to get them.
- 2 You should register BitCoin wallet:

[Simplest online wallet](#) or [Some other methods of creating wallet](#)

- 3 **Purchasing Bitcoins, although it's not yet easy to buy bitcoins, it's getting simpler every day.**

Here are our recommendations:

localbitcoins.com (NYL) Buy Bitcoins with Western Union.
Recommended for fast, simple service
Payment Methods: Western Union, Bank of America, Cash by FedEx, Moneygram, Money Order. In NYC: Bitcoin ATM, in person.
localbitcoins.com Service allows you to search for people in your community willing to sell bitcoins to you directly.
getbit.eu Buy Bitcoins with VISA/MASTERCARD or wire transfer.
The best for Europe.
bitdirect.eu Buy Bitcoins instantly for cash.
bitquick.co An international directory of bitcoin exchanges.
howtobuybitcoins.info Bitcoin for cash.
cashintocoins.com CoinJar allows direct bitcoin purchases on their site.
coinjar.com
amipro.com
bitvicious.com

- 4 Send 4.00 BTC to Bitcoin address:

19sCuwRDZIH9YSRd6LMY773zbgC7mrjxd

Note: Payment pending up to 30 mins or more for transaction confirmation, please be patient...

Date	Amount BTC	Transaction ID	Confirmations
			not found

- 5 Refresh the page and download decryptor.

When Bitcoin transactions will receive one confirmation, you will be redirected to the page for downloading the decryptor.

TECH JAM PANEL: ANATOMY OF A DATA BREACH

EOL SOLUTIONS, INC. operates a chain of five assisted living facilities and is based in St. Albans, Vermont. Its facilities are located in Burlington, Bennington, Brattleboro, Barre, Vermont, and Bow, New Hampshire. It has 45 full-time employees and annual revenues of _____.

CAST OF CHARACTERS:

- NARRATOR: Attorney General T.J. Donovan or Public Protection Chief Chris Curtis
- CEO: Jerry Tarrant (COO and Co-founder of MyWebGrocer)
- IT Manager: Heather Roszkowski (CISO of UVM Health Network)
- Lawyer: Matt Borick (Director at Downs Rachlin Martin)
- Forensics Investigator: Jonathan Rajewski (Assoc. Professor at Leahy Ctr @ Champlain College)
- PR Crisis Specialist: Nick Sherman and/or Alexandra MacLean (Leonine Public Affairs)
- Insurance Rep: Mindy Higgins Bero (Hickok & Boardman)
- Federal Investigator: Jennifer Vander Veer (FBI)
- Regulator: Ryan Kriger (VT AGO)

NARRATOR: The year is 2015. Uptown Funk is tearing up the charts, the future looks bright in the waning days of the Obama administration, and a young T.J. Donovan considers running for Attorney General of Vermont.

EOL Solutions is a chain of assisted living facilities in Vermont and New Hampshire. One evening, the CEO's teenage son is checking his email on his dad's computer when this email comes in.

[SHOW PHISHING EMAIL ON SCREEN]

He clicks the link. Pop-ups start appearing all over the computer. He cancels all the boxes and finishes up. The computer does not have any antivirus software.

A key-logger (other malware?) is installed on the CEO's home computer which lets hackers access the CEO's personal and work email.

A week later, *this* email arrives in the in-box of EOL's Human Resources Manager.

[SHOW SPEAR-PHISHING EMAIL ON SCREEN]

The employee quickly sets about putting together W-2 forms to send back to the CEO, but just before clicking send, she thinks to pick up the phone and call the CEO to ask him why exactly he needs to W-2.

CEO answers the phone call, confirms he did not send the email, and consults with his **IT MANAGER**. They high-five for avoiding a close call but realize that if things had gone wrong it would have been bad.

QUESTION: Should they change any practices? **POLL THE AUDIENCE**

They decide to reach out to their **INSURANCE REP** to obtain cyber insurance.

Fast Forward to **TODAY**.

It's Friday afternoon, 4 PM, people are starting to shut down their computers and leave for the weekend, when suddenly ... **[WHAT DOES A RANSOMWARE ATTACK ACTUALLY LOOK LIKE FROM THE USER PERSPECTIVE? CAN WE GET A GRAPHIC TO SHOW?]**

MODERATOR throws to **IT MANAGER**

IT MANAGER discusses with **CEO**. They loop in **FBI** and **INSURANCE REP**.

QUESTION: DO THEY PAY THE RANSOM **[POLL THE AUDIENCE?]** (**FBI & INSURANCE REP** explain pros and cons of paying ransom, **IT** discusses necessity of backups, **CEO** talks about need to maintain business operations, and other harms to a business that can result from ransomware.)

INSURANCE REP brings in **FORENSICS** to see if he can bypass the ransomware and to determine whether any data has been exfiltrated. He can't, **BUT** they have the whole weekend and they have been doing backups, so they decide to restore the system. Meanwhile, **FORENSICS** does a thorough analysis of the system.

FORENSICS explains what he does, what is involved in a forensic investigation. Then he explains that in his investigation, Malware was found on the system. It's been there for 3 years, and probably came in through the **CEO's** home computer, or through the use of credentials stolen from the home computer. Though it is of a type that steals data, unfortunately there are very few log files so it's hard to determine what has been stolen.

FORENSICS explains all of this to **CEO**, **IT MANAGER**, and **INSURANCE REP**. They also tell **FBI** what was discovered. **INSURANCE REP** decides it's time to bring in **LAWYER**, and **CEO** calls **PR CRISIS SPECIALIST**.

FBI talks about the types of malware we're seeing and what businesses should do when they find malware.

LAWYER explains the law of data breach, and the group has to decide whether this was a reportable breach, and whether to report.

PR CRISIS SPECIALIST advises the company, explains the best way to handle a situation like this, and discusses other issues a business should think about in the case of a breach.

QUESTION: DO THEY REPORT THE BREACH? [POLL THE AUDIENCE?]

LAWYER calls **REGULATOR** for preliminary notice.

LAWYER, INSURANCE AGENT, and **PR CRISIS SPECIALIST** explain the process and what is involved in notifying consumers

Lastly, **FORENSICS, IT MANAGER, CEO, INSURANCE AGENT,** and **LAWYER** discuss remediation and what to do going forward.

REGULATOR gets notice to consumers and speaks briefly about whether the company did anything wrong or faces an investigation.

TECH JAM PANEL: ANATOMY OF A DATA BREACH

EOL SOLUTIONS, INC. operates a chain of five assisted living facilities and is based in St. Albans, Vermont. Its facilities are located in Burlington, Bennington, Brattleboro, Barre, Vermont, and Bow, New Hampshire. It has 45 full-time employees and annual revenues of \$50 Million.

CAST OF CHARACTERS:

- NARRATOR: Attorney General T.J. Donovan or Public Protection Chief Chris Curtis
- CEO: Jerry Tarrant (COO and Co-founder of MyWebGrocer)
- IT Manager: Heather Roszkowski (CISO of UVM Health Network)
- Lawyer: Matt Borick (Director at Downs Rachlin Martin)
- Forensics Investigator: Jonathan Rajewski (Assoc. Professor at Leahy Ctr @ Champlain College)
- PR Crisis Specialist: Nick Sherman and/or Alexandra MacLean (Leonine Public Affairs)
- Insurance Rep: Mindy Higgins Bero (Hickok & Boardman)
- Federal Investigator: Jennifer Vander Veer (FBI)
- Regulator: Ryan Kriger (VT AGO)

NARRATOR: The year is 2015. Uptown Funk is tearing up the charts and Vermont's and Vermont's business community has been hardening their defenses against cyber-attacks, warned by such recent high profile breaches as Target, Home Depot, and Sony.

EOL Solutions is a chain of assisted living facilities in Vermont and New Hampshire. One evening, the CEO's teenage son is checking his email on his dad's computer when this email comes in.

[SHOW PHISHING EMAIL ON SCREEN]

He clicks the link. Pop-ups start appearing all over the computer. He cancels all the boxes and finishes up. The computer does not have any antivirus software.

A key-logger is installed on the CEO's home computer which lets hackers access the CEO's personal and work email.

A week later, *this* email arrives in the in-box of EOL's Human Resources Manager.

[SHOW SPEAR-PHISHING EMAIL ON SCREEN]

The employee quickly sets about putting together W-2 forms to send back to the CEO, but just before clicking send, she thinks to pick up the phone and call the CEO to ask him why exactly he needs to W-2.

CEO answers the phone call, confirms he did not send the email, and consults with his **IT MANAGER**. They high-five for avoiding a close call but realize that if things had gone wrong it would have been bad.

QUESTION: Should they change any practices? **POLL THE AUDIENCE**

They decide to reach out to their **INSURANCE REP** to obtain cyber insurance.

Fast Forward to **TODAY**.

It's Friday afternoon, 4 PM, people are starting to shut down their computers and leave for the weekend, when suddenly ... [WHAT DOES A RANSOMWARE ATTACK ACTUALLY LOOK LIKE FROM THE USER PERSPECTIVE? CAN WE GET A GRAPHIC TO SHOW?]

MODERATOR throws to **IT MANAGER**

IT MANAGER discusses with **CEO**. They call **COUNSEL** to loop in **FBI** and **INSURANCE REP**.

QUESTION: DO THEY PAY THE RANSOM [POLL THE AUDIENCE?] (**FBI & INSURANCE REP** explain pros and cons of paying ransom, **IT** discusses necessity of backups, **CEO** talks about need to maintain business operations, and other harms to a business that can result from ransomware.)

INSURANCE REP and **LAWYER** brings in **FORENSICS** to see if he can bypass the ransomware and to determine whether any data has been exfiltrated. **FORENSICS** and **FBI** have a conversation. He can't, BUT they have the whole weekend and they have been doing backups, so they decide to restore the system. Meanwhile, **FORENSICS** does a thorough analysis of the system.

FORENSICS explains what he does, what is involved in a forensic investigation. Then he explains that in his investigation, Malware was found on the system. It's been there for 3 years, and probably came in through the **CEO's** home computer, or through the use of credentials stolen from the home computer. Though it is of a type that steals data, unfortunately there are very few log files so it's hard to determine what has been stolen.

CEO has a decision to make, calls **PR CRISIS SPECIALIST**.

LAWYER explains the law of data breach, and the group has to decide whether this was a reportable breach, and whether to report.

PR CRISIS SPECIALIST advises the company, explains the best way to handle a situation like this, and discusses other issues a business should think about in the case of a breach.

QUESTION: DO THEY REPORT THE BREACH? [POLL THE AUDIENCE?]

LAWYER calls **REGULATOR** for preliminary notice.

LAWYER, INSURANCE AGENT, and PR CRISIS SPECIALIST explain the process and what is involved in notifying consumers

Lastly, time permitting, **FORENSICS, IT MANAGER, CEO, INSURANCE AGENT, and LAWYER** discuss remediation and what to do going forward.

REGULATOR gets notice to consumers and speaks briefly about whether the company did anything wrong or faces an investigation.

From: Anders, Sarah

Sent: Monday, October 15, 2018 3:58 PM

To: Kriger, Ryan <ryan.kriger@vermont.gov>; Jerry Tarrant <jtarrant@mywebgrocer.com>; Roszkowski, Heather <Heather.Roszkowski@uvmhealth.org>; Matt Borick <mborick@drm.com>; Jonathan Rajewski <rajewski@champlain.edu>; Sherman, Nick <nick@leoninepublicaffairs.com>; MacLean, Alex <alex@leoninepublicaffairs.com>; Jennifer A. Vander Veer <jennifer.vanderveer@ic.fbi.gov>; mbero@hbinsurance.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Jandl, Lauren <Lauren.Jandl@vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>
Subject: RE: Tech Jam Planning

Good afternoon,

Please see the following agenda for our call tomorrow at 10 a.m.

Agenda:

1. Logistics (arrival time, stage info, etc.)
2. Preparing materials/handouts
3. Quick walkthrough of the scenario (attached for your reference)
 - a. We will be going over rough bullet points of the scenario, so please take a moment to review it before the call if you can

We already have a good number of people registered to attend!

Look forward to speaking with you.

Best,
Sarah

From: Anders, Sarah

Sent: Monday, October 15, 2018 11:11 AM

To: Kriger, Ryan <ryan.kriger@vermont.gov>; Jerry Tarrant <jtarrant@mywebgrocer.com>; Roszkowski, Heather <Heather.Roszkowski@uvmhealth.org>; Matt Borick <mborick@drm.com>; Jonathan Rajewski <rajewski@champlain.edu>; Sherman, Nick <nick@leoninepublicaffairs.com>; MacLean, Alex <alex@leoninepublicaffairs.com>; Jennifer A. Vander Veer <jennifer.vanderveer@ic.fbi.gov>; mbero@hbinsurance.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Jandl, Lauren <Lauren.Jandl@vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>
Subject: RE: Tech Jam Planning

Good morning,

Thank you for your participation in the doodle poll. Based on your replies, our call will be at tomorrow, Tuesday, October 16, at 10 a.m.

Please see the dial-in information:



I believe we have one person who can't make it; we will circulate notes on any key points afterwards. Additionally, if you have any questions, please don't hesitate to be in touch with Ryan, Lauren and myself at any point before or after the call.

Best,
Sarah

Sarah Anders
Graduate Assistant, Consumer Assistance Program
Vermont Attorney General's Office
23 Mansfield Ave

CAP Phone Number: (800)649-2424
Email Address: sarah.anders@partner.vermont.gov

From: Kriger, Ryan
Sent: Wednesday, October 10, 2018 9:10 AM
To: Jerry Tarrant <jtarrant@mywebgrocer.com>; Roszkowski, Heather <Heather.Roszkowski@uvmhealth.org>; Matt Borick <mborick@drm.com>; Jonathan Rajewski <rajewski@champlain.edu>; Sherman, Nick <nick@leoninepublicaffairs.com>; MacLean, Alex <alex@leoninepublicaffairs.com>; Jennifer A. Vander Veer <jennifer.vanderveer@ic.fbi.gov>; mbero@hbinsurance.com
Cc: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Jandl, Lauren <Lauren.Jandl@vermont.gov>; Anders, Sarah <Sarah.Anders@partner.vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>
Subject: Re: Tech Jam Planning

Please complete the following doodle poll to find a best time to hold our next planning meeting:

<https://doodle.com/poll/yqaza8mdd3aibbtm>

We'd like to hear feedback on the scenario I circulated and make sure everyone is comfortable with their roles.

Thanks,

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan

Sent: Monday, September 17, 2018 11:13:57 AM

To: Jerry Tarrant; Roszkowski, Heather; Matt Borick; Jonathan Rajewski; Sherman, Nick; MacLean, Alex; Jennifer A. Vander Veer; mbero@hbinsurance.com

Cc: Curtis, Christopher; Jandl, Lauren; Anders, Sarah; Clark, Charity; Donovan, Thomas

Subject: Tech Jam Planning

Dear All,

Thank you for joining us at Tech Jam on October 19! The exact time of the panel is TBD but we will alert you as soon as possible when the time is set. Please hold your calendars open for that date until we have a final time for presentation.

Here is the full list of participants:

- Attorney General T.J. Donovan or Public Protection Chief Chris Curtis – moderator
- Jerry Tarrant (MyWebGrocer) – business Leader
- Heather Roszkowski (UVMHN) – IT manager
- Matt Borick (Downs Rachlin) – legal advisor
- Jonathan Rajewski (Leahy Ctr @ Champlain) – forensics consultant
- Nick Sherman and/or Alexandra MacLean (Leonine Public Affairs) – public affairs/crisis communications
- Mindy Higgins Bero (Hickok & Boardman) – insurance representative
- Jennifer Vander Veer (FBI) – federal investigator/law enforcement
- Ryan Kriger (VT AGO) – state investigator/law enforcement

(Please let us know if the descriptions of your role meet your approval, or offer a suggestion if you would prefer something else; this is all flexible.)

It's time to start planning the scenario. Our idea is that it should involve a mid-sized business (<50 employees), and the scenario should involve spear-phishing and ransomware, as well as a reportable data breach. There should be something in the scenario for everyone to react to, and while our goal is to show best practices, it shouldn't run smoothly. There should be some curveballs.

Please help us with the following:

- If you have ideas for the scenario, email me, Sarah Anders, and Lauren Jandl (cc'd here) – no need to send them to everyone. We'll compile them into one email for consideration.

- Fill out the Doodle Poll (<https://doodle.com/poll/v6nwx4hs97e8h7g>) with times that you're available for a call to flesh out these and other details.

Thanks again, we are looking forward to this exciting event!

-Ryan

Ryan G. Kriger

Assistant Attorney General

Vermont Office of the Attorney General

Public Protection Division

109 State Street

Montpelier, VT 05609-1001

ph: (802) 828-3170

ryan.kriger@vermont.gov

Kruger, Ryan

From: Nick Sherman <nick@leoninepublicaffairs.com>
Sent: Monday, October 15, 2018 9:28 AM
To: Kruger, Ryan
Subject: Call this week

Hi Ryan,

I just wanted to check and see if a call time was set for this week. I didn't see an update and want to make sure I didn't miss it.

Please let me know,

Thanks

Nick Sherman
Partner
Leonine Public Affairs
1 Blanchard Court
Montpelier, VT
05602
802-318-8151
nick@leoninepublicaffairs.com
leoninepublicaffairs.com



Kruger, Ryan

From: Kriger, Ryan
Sent: Wednesday, October 10, 2018 9:10 AM
To: Jerry Tarrant; Roszkowski, Heather; Matt Borick; Jonathan Rajewski; Sherman, Nick; MacLean, Alex; Jennifer A. Vander Veer; mbero@hbinsurance.com
Cc: Curtis, Christopher; Jandl, Lauren; Anders, Sarah; Clark, Charity; Donovan, Thomas
Subject: Re: Tech Jam Planning

Please complete the following doodle poll to find a best time to hold our next planning meeting:

<https://doodle.com/poll/yqaza8mdd3aibbtm>

We'd like to hear feedback on the scenario I circulated and make sure everyone is comfortable with their roles.

Thanks,

-Ryan

Ryan G. Kriger

Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Kriger, Ryan
Sent: Monday, September 17, 2018 11:13:57 AM
To: Jerry Tarrant; Roszkowski, Heather; Matt Borick; Jonathan Rajewski; Sherman, Nick; MacLean, Alex; Jennifer A. Vander Veer; mbero@hbinsurance.com
Cc: Curtis, Christopher; Jandl, Lauren; Anders, Sarah; Clark, Charity; Donovan, Thomas
Subject: Tech Jam Planning

Dear All,

Thank you for joining us at Tech Jam on October 19! The exact time of the panel is TBD but we will alert you as soon as possible when the time is set. Please hold your calendars open for that date until we have a final time for presentation.

Here is the full list of participants:

- Attorney General T.J. Donovan or Public Protection Chief Chris Curtis – moderator
- Jerry Tarrant (MyWebGrocer) – business Leader
- Heather Roszkowski (UVMHN) – IT manager
- Matt Borick (Downs Rachlin) – legal advisor
- Jonathan Rajewski (Leahy Ctr @ Champlain) – forensics consultant
- Nick Sherman and/or Alexandra MacLean (Leonine Public Affairs) – public affairs/crisis communications