



**The Testimony of  
The Vermont Network Against Domestic & Sexual Violence  
Auburn Watersong, Policy Director  
July 26, 2017  
Data Broker Legislation Working Group**

Good morning. Thank you for the opportunity to comment on the importance of data privacy for victims of domestic violence, sexual assault, and stalking. My name is Auburn Watersong and I am the Policy Director at the Vermont Network Against Domestic and Sexual Violence.

We partner with our national coalition, the National Network to End Domestic Violence which, since 2002, has housed The Safety Net Project. The Safety Net project is a national project focusing on the intersection of technology, privacy, and safety for survivors of abuse. The project assists service providers, law enforcement, attorneys, and other professionals who work with victims, and provides guidance to technology companies to address the many ways technology may impact the safety and privacy of survivors.

In a 2014 survey conducted by Safety Net, 97 percent of domestic violence programs reported that the survivors they are working with experience harassment, monitoring, and threats by abusers through the misuse of technology. Abusers and stalkers will use all available information and tools to locate, monitor, and harass victims. Data brokers and the personal information they sell is undoubtedly one of the common tools misused as a tactic of abuse. This is not a new strategy. In 1999, Liam Youens paid Docusearch, an information broker, less than \$200 to obtain Amy Boyer's date of birth, social security number, and place of employment. After getting this information, he drove to her workplace, shot and killed her, and then killed himself. Amy Boyer's mother sued Docusearch and the company settled out of court in 2004.<sup>1</sup>

Over the past decade, data brokers have grown significantly, both in number and in the scope of information they collect and sell. This has made fleeing and relocating increasingly difficult for survivors as perpetrators pay nominal fees to obtain sensitive and personal information that allows them to stalk and locate victims, as well as the victim's children or family. Data brokers use information from both public records and private sources to collect address histories, motor vehicle records, voter registration lists, consumer purchase histories, web browsing activity, and content shared in social media accounts, among other information. When compiled, data brokers are able to package and sell comprehensive and detailed personal information about individuals. For victims of abuse, whose privacy is deeply connected to their safety, this information can create a risk of them being located, harassed, assaulted, or killed. Survivors often live in fear that they will be found, and the statistics show the reality of their concerns. The most dangerous time for a victim of domestic violence is when she or he takes steps to leave the relationship.

<sup>2</sup> Nationally, 1 in 6 women and 1 in 19 men will experience stalking in their lifetime. <sup>3</sup> In Vermont, the "Vermont Judiciary Annual Statistical Report for FY 2015" revealed that requests for civil protection orders (against Stalking and Sexual Assault) remained fairly constant over the previous five years,



averaging 700 filings annually. Because so many of these requests were so frequently denied, the legislature passed revisions to the definition of stalking in 2016 which updated statutory language to include the use of technology as a tool to harass and intimidate victims. Just this past session, the legislature updated the language used in relief from abuse orders so that it now recognizes that perpetrator contact, harassment and threats against their victims is often via technology including email and social media. (“Revenge porn” law was passed recently as well).

Because perpetrators use various strategies to track and harass victims, including misusing the information gained from data brokers, survivors often take difficult and desperate steps to hide their location, sometimes even changing their identities to avoid being found. This extreme measure not only comes with an array of challenges, but can also be undermined by the mass data collection efforts of these services. The fact that such sensitive information, such as their location, can be revealed without their knowledge or obtained by someone who poses a danger to them is a terrifying reality.

The marketing strategies of many data broker companies don’t even attempt to hide the reasons why their services are used, but instead clearly suggest their products as a way to spy, stalk, monitor, and track a spouse. “Is she cheating?” is a common question posed on the sites, followed by promises to provide social media activity, photos, locations, and more with only a name, email address, or username needed to start. Testimonies posted online by companies display comments from happy customers, some who mention finally being able to find an old fling. For victims of abuse and stalking, this is a not a good thing.

In our work, victims, service providers, attorneys, and law enforcement regularly contact us about cases where safety is a concern due to identifying information being sold with abandon. The harm, fear, and physical danger caused by the selling of personal information is very real. Abusers regularly use the availability of data as a control mechanism – boasting about the information they can find and access and threatening that they will always be able to find the victim. Perpetrators and abusers are well aware of the frightening control these services can give them and victims are often left feeling powerless. Many data broker sites do not offer any option for opting out or removing your personal data, and when they do the information is so buried it’s difficult to find or follow. Some sites may also charge hefty fees to remove information, only to put it back later; adding a significant financial burden on survivors. In addition, these services can also negatively impact professionals working with survivors. For example, there have been data brokers who have sold lists of confidential domestic violence shelter locations and the home addresses of law enforcement officers.

The Vermont Network and NNEDV support innovation and we have seen countless positive uses of technology to decrease isolation and increase safety of survivors. Regulating data brokers who are specifically scouring offline and online sources to collect and then sell personal information about people without their consent is a reasonable step towards increasing privacy and not something that will negatively impact innovation or positive uses of technology. We believe that survivors have a right to control their own information and live free of harassment and abuse and we support steps to increase privacy and control of personal data.

To the extent data brokers currently offer consumers choices about their data, the choices are largely invisible and incomplete. In 2012, a report by the Federal Trade Commission recommended that the



industry set up a public Web portal that would display the names and contact information of every data broker doing business in the United States, as well as describe consumers' data access rights and other choices. But to date there is no centralized web portal for consumers. Websites such as "StopDataMining.me" is one such central source for consumers to learn what kinds of information data brokers have about them and how to exercise their opt-out choices. But this is not enough. We at the Network welcome this workgroups' investigation into ways in which Vermont can protect all victims from potential harm via the sale of their identifying information. Commend to you the FTC 2014 recommendations as outlined in VPIRGs testimony presented to you today regarding protections for consumers.

Thank you.

1Ramer, Holly. "Murdered woman's mother settles suit." *The Union Leader* (Manchester NH) March 11, 2004, State Edition: Pg. A1. Testimony by National Network to End Domestic Violence ~ [www.nnedv.org](http://www.nnedv.org) ~ [www.techsafety.org](http://www.techsafety.org)

2 Ronet Bachman and Linda Salzman, Bureau of Justice Statistics, *Violence Against Women: Estimates From the Redesigned Survey* (January 2000).

3 Katrina Baum et al., "Stalking Victimization in the United States," (Washington DC: Bureau of Justice Statistics, 2009).