

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael W. Morrissey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act ensuring the privacy of certain data.

PETITION OF:

NAME:

Michael W. Morrissey

DISTRICT/ADDRESS:

Norfolk and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ENSURING THE PRIVACY OF CERTAIN DATA.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of Chapter 93H of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following:-
3

4 (a) The department of consumer affairs and business regulation may adopt regulations relative to any
5 person or agency that owns or licenses personal information about a resident of the commonwealth. Such
6 regulations shall be designed to safeguard the personal information of residents of the commonwealth and
7 shall be consistent with the safeguards for protection of personal information set forth in the federal
8 regulations by which the person or agency is regulated. The objectives of the regulations shall be to:
9 insure the security and confidentiality of customer information in a manner fully consistent with industry
10 standards; protect against anticipated threats or hazards to the security or integrity of such information;
11 and protect against unauthorized access to or use of such information that may result in substantial harm
12 or inconvenience to any consumer. The department shall not in its regulations, however, require covered
13 persons to use a specific technology or technologies, or a specific method or methods for protecting
14 personal information.
15

16 The regulations shall take into account the person's size, scope and type of business, the amount of
17 resources available to such person, the amount of stored data, and the need for security and confidentiality
18 of both consumer and employee information. Notwithstanding the rules adopted by the department
19 pursuant to the provisions above, said department shall create separate regulations for small businesses
20 covered by this chapter that reflect said small businesses unique situation and resources.
21

22 Any person who is required to comply with federal laws, rules, regulations, guidance, or guidelines
23 safeguarding personal information is deemed to be in compliance with this chapter.
24

25 SECTION 2. Section 6 of Chapter 93H of the General Laws is hereby amended by adding at the end
26 thereof the following:-
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28 A willful violation of this chapter or regulations implementing this chapter, or a written information
29 security plan issued by a person covered by state or federal privacy laws shall provide just cause for the

30 termination of an employee, whether the employee is employed by a private person, public agency or
31 political subdivision of the state.