

June 4, 2026

Speaker Ronald Mariano
House of Representatives
State House, Room 356
Boston, MA 02133

Representative Aaron Michlewitz, Chair
House Committee on Ways & Means
State House, Room 243
Boston, MA 02133

Dear Speaker Mariano and Chair Michlewitz,

On behalf of the Greater Boston Chamber of Commerce and our 1,200 members, I write to offer comments on H.5472, *An Act establishing the Massachusetts Consumer Data Privacy Act* and pending amendments under consideration. As a threshold matter, we express our gratitude to you, the House Ways & Means committee, and your staff for significantly improving upon the various data privacy proposals under consideration, refining definitions, pursuing consistent nationwide standards in several areas, and clarifying many provisions that will facilitate implementation in Massachusetts. However, we remain concerned that several parts of the bill place Massachusetts at a competitive disadvantage – particularly the inclusion of a private right of action.

Preferably, Congress would pass a consistent data privacy regulatory framework that applies across states, allowing employers to adapt to clear rules nationwide. However, to the extent the Commonwealth considers state-specific regulation, we urge consistency and requirements that closely mirror those adopted in the majority of other states. As a leader in innovation and technology development, the Commonwealth must avoid outlier policies that are incompatible with regulations in other states or federal, sector specific standards.

We appreciate the opportunity to provide feedback to you both as you consider comprehensive data privacy legislation in the Commonwealth.

Strong Opposition: Amendments to Data Minimization Standard (Amendments 14, 16, 38, & 40)

We appreciate and thank the House Ways & Means Committee for including in H.5472 a data minimization standard that is found in competitor states, reflecting a reasonable and appropriate middle ground that adequately protects consumer data while allowing employers to offer services and goods without undue disruption.

Several proposed amendments seek to adopt an unworkable and outlier standard that would impact Massachusetts businesses, both large and small, in negative and unintended ways. The Chamber receives feedback from across industries, including but not limited to hospitality, health care, nonprofits, technology, and finance, that a practical and balanced data minimization standard is critical for their success and ability to grow jobs. The Commonwealth must compete for customers, visitors, and market share with every other state, and consistency in this is essential to give Massachusetts businesses access to the tools deployed by our neighbors. We urge the House to retain its approach to data minimization and reject amendments that would alter the current language.

Strong Support: Amendment 18 (Representative Biele) – Private Right of Action

The Chamber strongly opposes the inclusion of a private right of action in H.5472, which will be nothing short of a disaster for Massachusetts-based employers. A private right of action invites a maelstrom of litigation specifically targeting Massachusetts's businesses without improving the consumer protections proposed in the bill. Few jurisdictions across the nation have adopted a private right of action, rejecting it as a policy option, time and again, due to the potential impacts on local employers. Advocates admittedly will look to the courts here to test the boundaries of this new area of government regulation.

Similar to the vast majority of other consumer protection issues, the Attorney General's office is the most appropriate office to implement and enforce the proposed statute in this new and evolving legal field, prioritizing good public policy outcomes for the Commonwealth as a whole and not attorney's fees. We urge the House to adopt amendment 18.

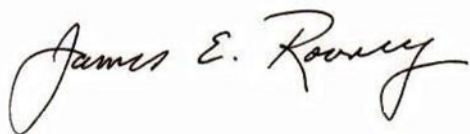
Support: Specific Exemptions (Amendments 15 & 17)

In many instances, consumer data is already regulated or protected by federal or state statute. Health care services must adhere to the Health Insurance Portability and Accountability Act (HIPAA). These institutions, such as hospitals, insurers, providers, research institutions and others navigating HIPAA should be exempt from further regulation.

Data level exemptions, or vague references to "limitations" are not effective or clear about how entities should comply with myriad privacy requirements. For example, data privacy protections for personal information collected by financial institutions are regulated by the federal government. It is therefore more appropriate to exempt all financial institutions subject to such regulation from state legislation. The Chamber supports amendment 15 that achieves that goal. Amendment 17 also exempts life insurance from data privacy regulation, given the necessary information needed to offer life insurance products. We urge the House to adopt both amendment 15 and 17.

Thank you for your attention and please reach out with any questions.

Sincerely,



James E. Rooney
President & CEO