



**Testimony submitted to the Joint Committee on Advanced Information Technology, the  
Internet and Cybersecurity  
In support of H.142/S.46 An Act establishing the Massachusetts Information Privacy Act  
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The League of Women Voters of Massachusetts (LWVMA) has consistently supported upholding the U.S. Constitution and the Fourth Amendment guaranteeing personal freedom and our privacy rights. The founding fathers at neither the federal nor the Commonwealth level could fully have envisioned the evolution of technology to this digital age. They most certainly never envisioned any private corporation being able to collect every personal, biometric and financial detail about someone and then sell that information to others for profit, without ever even disclosing possession of the information to the individual, let alone providing any protections or compensation.

Corporations in the 21<sup>st</sup> Century have acquired powers that often exceed those of the governments of the countries in which they operate. They strive to be not international, but extra-national, with no country having true power to regulate their activities. We hear most about this in the realm of tax evasion, but it applies equally to all regulation of corporate behavior. Capitalism has always depended upon sound regulations to protect the citizens. We need to pass laws that will enable the principles of the Constitution to be applied to 21<sup>st</sup> century technology.

Most people no longer have all their personal information on paper inside a home that everyone agrees is covered by privacy rights. Younger people often have 100% of that personal information on their cell phone or in the internet cloud. This information needs to be protected just as if it were on yellowing paper in a filing cabinet at home.

The bills H.142 / S.46, An Act establishing the Massachusetts Information Privacy Act, do exactly that. Among many issues addressed, the bills require private corporations to protect our personal information and not monetize it without our un-coerced and explicit consent. They also prohibit the collection of our biometric data without explicit consent.

The bills create another Massachusetts agency, the Massachusetts Information Act Privacy Commission, with both regulatory and enforcement authority. Typically, the League would not be advocating for another new agency and the possibility of an unfunded mandate. In this case it is necessary. There is no existing agency in the Commonwealth with the expertise or any relevant mandate to add this subject to its portfolio. Just as this joint committee is new, to meet the new requirements of digital technologies, we will need a new agency to enforce the laws.

These bills blend best approaches from other jurisdictions, including California and Illinois laws and European Union laws. Consistency of regulation across this country is essential to effectively establish policy that can, hopefully, later become federal. All of the states, possibly with those two exceptions, are currently well behind in understanding and regulating the privacy invasions by



corporations into the lives of private citizens. These bills are an essential next step for Massachusetts to prevent us from losing our rights to these corporations.

Very few of us fully understand all the ways our privacy now can be and is routinely violated, and these bills provide essential protection as we all strive to better understand and regulate the powers to invade privacy that we have created.

The LWVMA, representing 47 local Leagues from Capes Cod and Ann to the Berkshires, knows that the right to privacy is a cornerstone of our democracy.

The League of Women Voters of Massachusetts strongly urges that these bills be reported favorably out of committee.

Thank you for your consideration.