

[Mass. Gen. Laws ch. 93H, §§ 1–6](#)

Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	As soon as practicable and without unreasonable delay	YES

More Details

Scope of this Summary	Notification requirements applicable to persons, including businesses, that own, license, maintain or store covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
Covered Info	First name or first initial and last name, plus: Social Security number; driver's license or state ID card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
Form of Covered Info	Electronic or Paper
Encryption Safe Harbor	Statute does not apply to information that is encrypted, so long as encryption key was not compromised.
Breach Defined	Unauthorized acquisition or use of covered info that creates a substantial risk of identity theft or fraud against a resident, excluding certain good faith acquisitions by employees or agents.
Consumer Notice	<p><u>Timing</u>: Must be made as soon as practicable and without unreasonable delay when covered entity knows or has reason to know a breach or other unauthorized acquisition or use of covered info has occurred.</p> <p><u>Content</u>: Notice must include information about resident's right to obtain a police report, how to request a security freeze, and any fees required to be paid to any CRAs. Notification must <u>not</u> include the nature of the incident or the number of residents affected by the incident.</p> <p><u>Method</u>: By written notice or electronic notice (if consistent with E-SIGN and Mass. Gen Laws ch 110G). Substitute notice is available if certain criteria are satisfied.</p>
Delayed Notice	Notification may be delayed if law enforcement determines notice may impede a criminal investigation and notifies the Attorney General in writing. The entity must cooperate with law enforcement, including sharing information relevant to the incident.
Harm Threshold	Notification not required if the breach does not create a substantial risk of identity theft or fraud against a resident.
Government Notice	Must notify the Attorney General and the Director of the Office of Consumer Affairs and Business Regulation as soon as practicable and without unreasonable delay. Notice must include the nature of the incident, the number of residents affected and any steps the entity has taken or plans to take relating to the incident.
Consumer Agency Notice	Following receipt of notice, the Director of OCABR may, at its discretion, respond to the covered entity by identifying relevant CRAs or other state agencies that must also receive notice as soon as practicable and without unreasonable delay. The notice must include the same content as required in the notice to the AG.
Third-Party Notice	If you maintain covered info on behalf of another entity, you must notify them as soon as practicable and without unreasonable delay when you know or have reason to know of a breach or other unauthorized acquisition or use of covered info. Must also cooperate with owner or licensor of the covered info (including specific disclosure obligations).
Potential Penalties	Violations may result in civil penalties.

Last revised on March 26, 2018

This summary is for informational purposes only. It provides general information and not legal advice or opinions regarding specific facts. Additional requirements or conditions may apply to any or all provisions referenced herein. For more information about the state data breach notification laws or other data security matters, please seek the advice of counsel.

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