

HOUSE No. 3115

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

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 adoption of the accompanying bill:

An Act ensuring equitable representation in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/29/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2021</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>2/1/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/3/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/8/2021</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>2/16/2021</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>2/19/2021</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/24/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/24/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>4/7/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>4/12/2021</i>

HOUSE No. 3115

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3115) of Tackey Chan and others for legislation to require that government agencies make certain demographic data available to the public. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2681 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act ensuring equitable representation in the Commonwealth.

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. Chapter 6A of the General Laws is hereby amended by inserting after
2 section 104 the following section:-

3 Section 105.

4 For the purposes of this section “government agency” shall be defined as any state
5 agency, quasi-state agency, sub-divisions of a state agency, or board, commission or entity
6 created by the Commonwealth of Massachusetts.

7 Every government agency that collects demographic data as to the race or ethnicity of
8 residents of the Commonwealth of Massachusetts, shall use separate collection and tabulations
9 for the following: (i) each major Asian group, as reported by the United States Census Bureau,

10 including but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian,
11 Laotian, Cambodian, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan,
12 Taiwanese, Nepalese, Burmese, Tibetan, and Thai; (ii) each major Pacific Islander group, as
13 reported by the United States Census Bureau, including but not limited to, Native Hawaiian,
14 Guamanian, Samoan, Fijian and Tongan; (iii) other Asian or Pacific Islander group; (iv) each
15 major Black or African American group, as reported by the United States Census Bureau,
16 including but not limited to African American, Jamaican, Haitian, Nigerian, Ethiopian, Cape
17 Verdean, and Somali; (v) each major Latino group, as reported by the United States Census
18 Bureau, including but not limited to, Mexican, Puerto Rican, Cuban, Salvadoran, Dominican and
19 Colombian; and (vi) each major White or Caucasian group, as reported by the United States
20 Census Bureau, including but not limited to, German, Irish, English, Italian, Polish, Portuguese,
21 and French. Individuals may choose more than one subgroup, write in their own, or choose the
22 aggregate category. If collection of data on race or ethnicity was not previously conducted or
23 required then the information in this section shall not apply. Individuals not participating in this
24 data collection shall not be denied services. No government agency shall fill out racial or ethnic
25 information unless directed by the individual.

26 Except for Personal Identifying Information, which shall be deemed confidential, each
27 government agency shall make the data available to the public in accordance with state and
28 federal law. Personal Identifying Information is defined as information: (i) that directly identifies
29 an individual (e.g., name, address, social security number or other identifying number or code) or
30 (ii) by which an agency intends to identify specific individuals in conjunction with other data
31 elements, which shall include indirect identification which can compile an identity, such as a
32 combination of gender, race, birth date, geographic indicator, and other descriptors. Additionally,

33 information permitting the physical or online contacting of a specific individual is the same as
34 personally identifiable information. This information can be maintained in either paper,
35 electronic or other media. To prevent identification of individuals, the information may be
36 aggregated into data categories at a state, county, city, census tract, or ZIP code to facilitate
37 comparisons, identify disparities, and be part of studies and reports. This paragraph shall not be
38 construed to prevent any other government agency from posting data collected on the agency's
39 website, in a manner prescribed in this section.

40 The Executive Office of Administration and Finance shall establish regulations and
41 guidelines on the collection of demographic data, which may include a standardized form for
42 information collection, expanding the categories of race or ethnicity, a standard format for
43 agencies to make data publicly available and to update said data on an annual basis, a method to
44 ensure no personal identifying information is publically released, a standardized written
45 disclosure to the individual filling the form out that this information collected is voluntary,
46 nonparticipation of completing the form will have no impact of eligibility on state services,
47 annual cost impact and annual review on the successfulness of collecting information. There
48 shall at least be one annual public hearing about the implementation or changes in the regulations
49 and guidelines. A report on the progress of data collection shall be provided to the House and
50 Senate Clerks and the Joint Committee on State Administration and Regulatory Oversight every
51 August 1st of each year.

52 All data collected by the state shall be subject to both state and federal privacy laws;
53 including Title 13 of the U.S. Code and Massachusetts General Laws Chapter 93H, Section 2(c).

54 SECTION 2. Paragraph 4 of Section 1 shall go into effect on January 1, 2021. The
55 remainder of the act shall go into effect on January 1, 2022.