

SENATE No. 51

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 relative to the creation of an office of data protection, cybersecurity, and privacy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/26/2021</i>

SENATE No. 51

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 51) of Barry R. Finegold and Linda Dean Campbell for legislation to create an office of data protection, cybersecurity, and privacy. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

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

An Act relative to the creation of an office of data protection, cybersecurity, and privacy.

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 1 of Chapter 7D of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting the following definition:-

3 “Personal information,” as defined in Section 1 of Chapter 93H of the General Laws.

4 SECTION 2. Chapter 7D of the General Laws, as appearing in the 2016 Official Edition,
5 is hereby amended by inserting, before the first sentence of Section 4B, the following sentence:-

6 a) The secretary shall create an “office of data protection, cybersecurity, and privacy,” or
7 “ODPCP,” within the executive office of technology services and security.

8 SECTION 3. Chapter 7D of the General Laws, as appearing in the 2016 Official Edition,
9 is hereby amended by inserting, after the sentence that ends with “at the pleasure of the
10 secretary,” the following sentence:-

11 The chief privacy officer shall serve as the director of the ODPCP.

12 SECTION 4. Chapter 7D of the General Laws, as appearing in the 2016 Official Edition,
13 is hereby amended by inserting, after the sentence that ends with “use of data,” the following
14 language :-

15 b) The ODPCP shall have the following responsibilities with respect to state agencies:

16 (i) to conduct an annual privacy review of all state agencies;

17 (ii) to conduct an annual privacy training for all employees of state agencies;

18 (iii) to articulate privacy principles and best practices for state agencies;

19 (iv) to coordinate data protection in cooperation with state agencies; and

20 (v) to participate with the executive office of technology services and security in the
21 review of major state agency projects involving personal information.

22 c) The ODPCP shall also serve as a resource regarding data privacy and protection
23 concerns to the public and to any political subdivision of the commonwealth, including but not
24 limited to counties, cities, or towns. The ODPCP shall:

25 (i) Develop and promote the dissemination of best practices for the collection and storage
26 of personal information, including establishing and conducting a training program or programs
27 for political subdivisions of the commonwealth and employees thereof; and

28 (ii) Educate consumers about the use of personal information on mobile and digital
29 networks and measures that can help protect this information.

30 d) By December 1, 2021, and every year thereafter, the ODPCP shall prepare and submit
31 to the legislature’s Joint Committee on Advanced Information Technology, the Internet and

32 Cybersecurity a report evaluating its performance. The ODPCP must establish performance
33 measures in its 2021 report to the Joint Committee and, in each report thereafter, demonstrate the
34 extent to which performance results have been achieved. These performance measures shall
35 include, but are not limited to, the following:

36 (i) The number of state agencies and employees who have participated in the annual
37 privacy training;

38 (ii) A report on the extent of the ODPCP's coordination with international and national
39 experts in the fields of data privacy, data protection, and access equity;

40 (iii) A report on the implementation of data protection measures by state agencies
41 attributable in whole or in part to the ODPCP's coordination of efforts; and

42 (iv) The number of political subdivisions of the commonwealth and employees thereof
43 who have participated in the ODPCP's training programs.

44 (v) A report on consumer education efforts, including but not limited to the number of
45 consumers educated through public outreach efforts, as indicated by how frequently educational
46 documents were accessed, the ODPCP's participation in outreach events, and inquiries received
47 back from consumers via telephone or other media.