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Ask The Expert - Mass High Tech

Are individuals, businesses and/or governmental agencies required to take certain steps when disposing of records containing personal information relating to Massachusetts residents?

Saturday, May 31, 2008

Yes. Mass.G.L.Ch. 93I, which became effective on February 3, 2008, imposes requirements on individuals, businesses and government agencies disposing of records containing personal information relating to Massachusetts residents, whether in paper or electronic form. Paper documents containing personal information must be either redacted, burned, pulverized or shredded so that personal data cannot practicably be read or reconstructed. Electronic media and other non-paper media containing personal information must be destroyed or erased so that personal information cannot practicably be read or reconstructed. Failure to comply with the requirements set forth above can be costly - improper disposition of records may result in a fine of \$100 per individual affected, up to a maximum of \$50,000 per event. The Attorney General is authorized to pursue violations of Chapter 93I to recover such penalties.