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Ask The Expert - Mass High Tech

Is a business that owns personal information about a Massachusetts resident required to give notice in the event of a breach of security?

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Yes, under Massachusetts recently enacted data breach notification law (Mass.G.L. Ch. 93H), which becomes effective on February 3, 2008, business, among others, must give notice of security breaches to the affected Massachusetts resident under certain circumstances. Specifically, the law requires, among other things, that any business that *owns or licenses data* that includes personal information about a Massachusetts resident provide notice, as soon as practicable and without unreasonable delay, to the Massachusetts resident, the Massachusetts Attorney General and the Director of Consumer Affairs and Business Regulation, when such business knows or has reason to know: (a) of a breach of security, or (b) that the personal information of such resident was acquired or used by an unauthorized person or used for an unauthorized purpose. The notice requirement applies to *both* paper and electronic records.