

MASSACHUSETTS DATA SECURITY REGULATIONS POSTPONED AGAIN

*Compliance Now Required by March 1, 2010
Public Hearing Scheduled for September 22, 2009*

The Massachusetts Office of Consumer Affairs and Business Regulation (OCABR) has issued a revised draft of the new Standards for the Protection of Personal Information of Residents of the Commonwealth (the Regulations) and extended the compliance deadline from January 1, 2010 to March 1, 2010. The Regulations still protect the “personal information” of Massachusetts residents (name + one of: social security number, driver’s license or other state ID number, or financial account or card number), but they are intended to take a more risk-based approach, allowing a business to take various factors – such as the risk of identity theft posed by the company’s operations – into account when developing its information security policy. Also, in response to several objections regarding the technical feasibility of certain requirements (such as the obligation to encrypt portable devices), OCABR has limited those obligations to require no more than what is technically feasible.

OCABR considers the newest release to be a draft, subject to being finalized after a public hearing scheduled for September 22, 2009. We will monitor the hearing and issue an updated bulletin shortly afterwards. In the meantime, businesses (both in and out of Massachusetts) that maintain personal information regarding Massachusetts residents (employees, customers, or others) should continue working to develop a written information security policy.

Watch this space for updates or contact our Data Security Team leaders:

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