



Testimony In Support of H.83/S.25,
An Act to Establish the
Massachusetts Data Privacy Protection Act

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Before the The General Court of Massachusetts
Hearing of the Joint Committee on Advanced Information
Technology, the Internet and Cybersecurity
Senator Michael Moore, Chair
Representative Tricia Farley-Bouvier, Chair
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Hearing for bills regarding data privacy



Chair Moore, Chair Farley-Bouvier, members of the Joint Committee, thank you for allowing me to speak to you today in support of the Massachusetts Data Privacy Protection Act, a bill modeled on the proposed federal *American Data Privacy and Protection Act*, and a bill that will significantly improve the privacy protections of the people of Massachusetts.

My name is Eric Null, I am the co-director of the privacy & data project at the Center for Democracy & Technology, a DC-based civil society organization that has placed privacy at its core for its 28-year history.

My colleagues on other panels will discuss the substance of the bill in more detail, but I want to underscore one substantive point before turning to my broader argument: this bill would move Massachusetts beyond the failed notice-and-consent regime into one where *companies* are held accountable for privacy violations instead of placing the lion's share of the privacy burden on people. Passing the Massachusetts bill would be a watershed moment for privacy and, as I'll explain, for Artificial Intelligence policy.

Today, I will emphasize three reasons why Massachusetts should pass a privacy law based on the federal bill.

First, the federal bill had broad bipartisan support.

The federal bill grew out of negotiations between both parties after years of civil society advocating for a strong privacy law that included civil rights, true data minimization, user rights, and a private right of action.

When the federal bill came to light in early 2022, civil society was happy to see the legislation included those and other important provisions. At that point, Capitol Hill began hearing from interested stakeholders from every corner of the country—including civil society groups like mine, industry groups such as retailers and telecom, and academics and other experts.



After multiple hearings and markups in Congress and several rounds of negotiation, the full Energy & Commerce Committee voted out the final version of the federal bill with an overwhelming bipartisan majority, 53-2. Concerns identified by legislators at that time primarily concerned the preemption provision, an issue that does not apply to the Massachusetts bill.

Second, the federal bill was supported by both civil society and industry. Laws like Virginia's were indeed written by industry and focus on permitting many intrusive data practices and focus on consent. Connecticut's law is similarly industry-friendly. And based on our analysis of the California comprehensive privacy law and the ADPPA, the federal bill is stronger in almost every respect. Those laws received less support.

Third, AI is on everyone's minds, it's already come up today multiple times. Just yesterday, a panel of experts at a subcommittee hearing in the House Energy & Commerce Committee united around the message that passing comprehensive privacy legislation is a necessary part of addressing AI harms. Representatives from both sides of the aisle echoed that sentiment. Without those protections, AI could turn into yet another privacy problem that is difficult to unwind. Passing the Massachusetts bill would help avoid those problems.

In conclusion, the federal bill and the Massachusetts bill are reasonable and their provisions were thoroughly negotiated. They include common sense, foundational privacy protections that the people of Massachusetts deserve. And it's not a small step. Your state has the chance to be pass a meaningful privacy bill that has received wide-ranging support at the federal level.

Thank you again for the opportunity to speak to you today, and I look forward to engaging on this issue.