



April 14, 2025

Tricia Farley-Bouvier, Chair  
Joint Committee on Advanced Information  
Technology, the Internet and Cybersecurity  
State House  
Room 109-B  
Boston, MA 02133

Michael O. Moore, Chair  
Joint Committee on Advanced Information  
Technology, the Internet and Cybersecurity  
State House  
Room 109-B  
Boston, MA 02133

RE: April 9, 2025 Hearing on Data Privacy Legislation H78, H80, H93, H104, S33, S45, S39

Dear Chair Farley-Bouvier, Chair Moore, and members of the Committee:

On behalf of the Massachusetts Association of Health Plans and our 13 member plans that provide health care coverage to nearly 3 million Massachusetts residents in the commercial market, on the Massachusetts Health Connector, through the Group Insurance Commission, MassHealth and Medicare, I am writing to share our thoughts on the various approaches to safeguarding consumer data that are presently before the Committee. As the Committee seeks to advance a Massachusetts data privacy framework, we urge you to ensure that the legislation does not inadvertently place conflicting or duplicative data privacy requirements on health plans, and to the extent possible, aligns with approaches to safeguarding consumer data that have been enacted in states across the country.

MAHP member health plans place a high priority on protecting their member's privacy and are already subject to comprehensive data protection requirements under state and federal law including: the *Health Insurance Portability and Accountability Act of 1996* (HIPAA), the *Gramm-Leach-Bliley Act* (GLBA), M.G.L. Chapter 175I: *Insurance Information and Privacy Protection*, M.G.L. Chapter 93H: *Security Breaches (the Data Breaches Notification Law)*, M.G.L. Chapter 93I: *Dispositions and Destruction of Records (the Record Destruction Act)*, and state regulations including 211 CMR 142.08: *Customer Information and Record Keeping* and 201 CMR 17.00: *Standards for the protection of personal information of residents of the Commonwealth*, all of which place stringent requirements to protect the confidentiality of patients' health, financial and personal information.

These state and federal laws and regulations contain robust consumer protections for health plan members and serve as national and state standards that allow members to make informed choices and assert control over their protected health information, create guardrails on the use, release, disposition and disclosure of health records and personal information, and hold violators accountable, with civil and criminal penalties in the event members' privacy rights are violated. **Accordingly, we respectfully request that any data privacy legislation that advances be amended to include necessary exemptions for covered entities and business associates under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and for financial institutions subject to the Gramm-Leach-Bliley Act (GLBA).**

We also urge the Committee, should it seek to advance a Massachusetts-specific data privacy law, to carefully consider other state's data privacy laws to avoid duplication while fostering consistency across

states. H80/S33, *An Act establishing the Comprehensive Massachusetts Consumer Data Privacy Act*, supported by the State Privacy & Security Coalition, does so by advancing a framework that has been adopted by neighboring states like Connecticut, Rhode Island, and New Hampshire as well as 15 other states. Adopting this approach helps to ensure consistency for multi-state health plans, which will help to avoid confusion, varying standards, and unnecessary increases in operational costs.

At a time when health care affordability is a primary concern for individuals, families, employers, and the state, it is critical that this Committee ensure that legislation protecting consumer data does not inadvertently increase health care costs for consumers. Should you wish to discuss our comments further or require additional information, please do not hesitate to contact MAHP.

***Massachusetts Association of Health Plans***