



**Statement of the Massachusetts Bankers Association
Regarding S.195, An Act to Protect Personal Biometric Data
Senate Committee on Ways and Means
April 24, 2024**

On behalf of our more than 120 commercial, savings and cooperative banks and federal savings institution members with more than 72,000 employees located throughout the Commonwealth and New England, the Massachusetts Bankers Association (MBA) appreciates the opportunity to provide our comments regarding **S.195, *An Act to Protect Personal Biometric Data***.

The banking industry is all too familiar with third-party data breaches and the impact they have on our customers and our institutions. Our member institutions take their responsibility to protect customer information extremely seriously – spending millions of dollars each year to ensure that sensitive personal information does not fall into the hands of bad actors and criminals. Banks are also highly regulated and are subject to regular examinations by state and federal regulators to ensure their information security standards are robust.

Unfortunately, data breaches, including those containing biometric information, are not going away and all industries along with state and federal governments must adapt and do more to protect the sensitive personal data we maintain for our customers, employees and others using our services. As we noted above, the banking industry in Massachusetts spares no expense with its collective investments in technology and other fraud-prevention resources to ensure the safety and security of our customers' information as well as the overall payments system.

For more than a decade, our industry has been a consistent voice for strong consumer protections regarding information security and penalties for identity theft. For decades, banks have carefully guarded their customers' privacy and since 1999, have been subject to stringent privacy and data security standards implemented by Title V of the federal Gramm-Leach-Bliley Act (GLBA).

We strongly encourage the Committee to amend **S. 195** to include GLBA language that would, at a minimum, exempt financial institutions at the **entity level**. The inclusion of the GLBA exemption not only serves as an acknowledgment of the industry's commitment to information security but also as a recognition that the banking industry is not unnecessarily disrupted by the piling-on of unnecessary regulations seeking to achieve a goal that is already being achieved by the financial industry.

For your reference, other states, including [Connecticut](#), [New Hampshire](#), [Colorado](#), [New Jersey](#) and [Virginia](#), have previously considered and included similar exclusion language when expanding consumer data privacy protection related legislation in their states. Similar legislation passed the [Vermont House of Representatives](#) in March 2024 and is currently before the Vermont Senate for consideration.

For these reasons, MBA recommends the following language be included in **S.195** and in any other similar bills the Committee may advance this session:

(This chapter shall not apply to) “a financial institution subject to Title V of the federal Gramm-Leach-Bliley Act of 1999 (15 U.S.C. §6801 et seq.), and the implementing regulations promulgated thereunder.”

Thank you for considering our comments on **S.195, *An Act to Protect Personal Biometric Data***. We look forward to working with the Committee on this bill, and other policy initiatives in the future.