



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

TODD M. SMOLA
REPRESENTATIVE
1ST HAMPDEN DISTRICT

STATE HOUSE, ROOM 124
TEL. (617) 722-2100
FAX: (617) 722-2390

www.reptoddsmla.org
Todd.Smola@mahouse.gov
Conor.Welch@mahouse.gov

BRIMFIELD • HOLLAND • PALMER
STURBRIDGE • WALES • WARE • WARREN

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Contact: Conor Welch
617-722-2100

Representative Smola supports bill to protect consumers' credit information

BOSTON – The House and Senate have finalized legislation to give Massachusetts residents more control over the use of their personal credit information, along with enhanced protections in the event their information is compromised.

Representative Todd M. Smola (R-Warren, Ranking Member, Committee on Ways & Means), voted to support House Bill 4806, An Act relative to consumer protection from security breaches, which passed the House and Senate unanimously on July 25. The bill represents a compromise agreed to by a six-member conference committee that worked to reconcile the differences between two earlier versions of the bill previously approved by the two branches.

House Bill 4806 prevents unauthorized access to credit reports by requiring written, verbal or electronic consent from the consumer before their personal information can be accessed. Anyone attempting to access a consumer's credit report must also disclose their reason for doing so to the consumer.

“The unauthorized release of sensitive personal information can have a devastating impact on people of all ages and backgrounds,” said Representative Smola. “This bill calls for substantive reforms within the credit reporting industry to help protect consumers and make it easier for them to safeguard their personal information.”

The bill also institutes new requirements on business entities and credit reporting agencies that experience a data breach. Businesses will now be required to provide a minimum of 18 months of free credit monitoring services to consumers following a breach, while credit reporting agencies will be required to provide these services free of charge for at least 3 ½ years. In addition, breached entities must immediately notify the Attorney General and the Director of the

Office of Consumer Affairs whenever a breach occurs and provide details on the extent of the breach and the steps being taken to address it.

House Bill 4806 also eliminates the \$5 fee consumers must currently pay to each of the three major credit reporting agencies – Equifax, Experian, and TransUnion – every time they want to freeze their credit report or lift the freeze. The bill is a direct response to a 2017 data breach at Equifax, which resulted in hackers gaining access to the Social Security numbers, birthdates, driver's license numbers, and tax identification numbers of 145 million Americans, including at least 3 million Massachusetts residents.

The bill is now on Governor Charlie Baker's desk for his review. He has until August 4 to sign it into law. For additional information please contact Representative Smola at Todd.Smola@mahouse.gov or (617)722-2100.

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