



September 22, 2025

Senate President Karen Spilka  
State House, Room 322  
Boston, MA 02133

Senator Michael Rodrigues, Chair  
Senate Committee on Ways and Means  
State House Room 212  
Boston, MA 02133

Dear Senate President Spilka, Senator Rodrigues, and members of the Senate:

As leaders of Massachusetts-based business and trade associations, collectively representing thousands of employers and hundreds of thousands of employees across the Commonwealth, we again write to express our serious concerns regarding S.2608, *An Act establishing the Massachusetts data privacy act*, which will be debated by the Senate on September 25<sup>th</sup>.

From the beginning of this process, we have understood and agreed with the need to protect consumer data. As such, we have advocated and supported a data privacy framework that includes a consistent and comprehensive approach for safeguarding consumers' privacy, expanding consumers' rights, and protecting personal information. At the same time, we have requested that any data privacy approach be balanced to ensure that Massachusetts businesses are not placed at a competitive disadvantage to businesses around the country.

We first want to thank you for listening to the concerns of the business community and not including a private right of action in S.2608. However, we continue to be concerned that as drafted, S.2608 would significantly disadvantage small, medium, and large businesses operating in Massachusetts and negatively impact the state's economic competitiveness and our world-class innovation ecosystem. In particular, we are concerned about how the current bill deals with sensitive data, data minimization, transfer of data, and trade secrets.

Unfortunately, S.2608 continues to diverge from a mainly uniform approach that has been adopted by 18 states. In New England, this includes Connecticut, Rhode Island, and New Hampshire. Nationally, this also includes Oregon, Delaware, Colorado, and Minnesota. Adopting untested or ambiguous standards - that are unique to Massachusetts - will be extremely burdensome to employers, both large and small. It will likely cause significant unintended consequences for businesses who operate both

across state lines as well as around the country and world, and significant confusion particularly with provisions such as the data minimization standard that exists only in Maryland, and the “transfer” concept that does not exist in any other U.S. state comprehensive law. These provisions and others would make us an outlier in an increasingly competitive economic environment. In addition, as drafted, S.2608 continues to include standards and definitions that are legally unclear, extremely difficult to meet, confusing to employers, and will create expensive new compliance costs. Of importance, we run the risk of joining states like Maryland that have passed laws that are so unclear, they are at risk of being decided by the courts.

This bill and debate also comes at a particularly difficult time for Massachusetts employers and the state’s economy. Unprecedented and unparalleled uncertainty from the federal government continues to delay investment and stifle growth. Moreover, the competition to attract business away from the Commonwealth is at an all-time high, with states competing every day to create the type of competitive environment that allows employers to grow and thrive.

Thank you for your consideration. As we have throughout this process, the business community stands willing to be at the table with our partners in the Senate to make improvements to S.2608. Together, we can protect consumers, while also ensuring Massachusetts businesses, both large and small, remain competitive in this increasingly global economy.

Sincerely,

JD Chesloff, President & CEO, Massachusetts Business Roundtable

James E. Rooney, President & CEO, Greater Boston Chamber of Commerce

Brooke M. Thomson, President & CEO, Associated Industries of Massachusetts

Chris Carlozzi, State Director, National Federation of Independent Businesses-Massachusetts

Jon B. Hurst, President, Retailers Association of Massachusetts

Timothy O. Wilkerson, President, New England Connectivity and Telecommunications Association