



July 26, 2019

Senator Pacheco, Senate Chair
Representative Gregoire, House Chair
Joint Committee on State Administration & Regulatory Oversight
State House
Boston, MA 02133

Re: Opposition to HB2769, An Act relative to state government processes to verify hours worked on computers for certain government contracts

Dear Chair Pacheco, Chair Gregoire and Committee members:

On behalf of the thousands of Massachusetts businesses that Associated Industries of Massachusetts (AIM) represents, we wish to express opposition to HB2769, An Act relative to state government processes to verify hours worked on computers for certain government contracts.

AIM urges the committee to reject HB2769.

While we certainly support contractor productivity, cost efficiency and successful project outcomes, legislation of this nature could introduce or increase unnecessary risks to employee, citizen and taxpayer data by essentially transferring ownership of private information and statutorily protected data to a third party.

We oppose HB2769, because this legislation would mandate the use of a certain software monitoring programs that could impose significant risks to employee, citizen and taxpayer privacy in addition to federal regulatory compliance concerns it could create. Similar legislation to HB2769 is being advanced across the country ¹, which prompted the National Association of State Chief Information Officers to take an uncharacteristic step of issuing a full statement in opposition to this legislation.²

HB2769 would mandate the use of software which would capture regular screenshots and keystrokes on the systems it is installed on.³ Specifically based on the 2019 Montana Fiscal Note analysis, the software would track keystrokes, mouse clicks and screenshots that could capture confidential information that is unrelated to the performance of the contract, such as passwords.

HB2769 could create a series of unintended consequences, such as impacting a state's cybersecurity insurance policy coverage and ultimately the Commonwealth's ability to secure private data.

¹ <https://www.sec.state.ma.us/LobbyistPublicSearch/Summary.aspx?sysvalue=6A+yk2e0PRgINWdJQh2aHDtrjizz9jWgF3EerzTAJm8=>

² <https://www.nascio.org/Newsroom/ArtMID/484/ArticleID/765/NASCIO-Opposes-Contractor-Monitoring-Software-Legislation>

³ <https://www.govtech.com/policy/Company-Pushes-Controversial-Contractor-Monitoring-Legislation.html>

As a Commonwealth and a business community we have prioritized data security with state laws that are considered the most stringent in the country. HB2769 does not support our collective goal to protect personal information.

As always, should you have any questions please feel free to contact me directly at 617-262-1180 or bmacdougall@aimnet.org.

Sincerely,

A handwritten signature in blue ink that reads "Brad MacDougall". The signature is written in a cursive, flowing style.

Brad MacDougall
Vice President for Government Affairs
Associated Industries of Massachusetts (AIM)