



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

**TESTIMONY IN SUPPORT OF H.86
AN ACT TO PROTECT LOCATION PRIVACY
BEFORE THE JOINT COMMITTEE ON ADVANCED INFORMATION TECHNOLOGY, THE
INTERNET AND CYBERSECURITY**

April 9, 2025

The Massachusetts Medical Society (MMS) wishes to be recorded in strong support of H.86, *An Act to protect location privacy* (“The Location Shield Act”).

The Massachusetts Medical Society (MMS) is a professional association of over 24,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, for a better health care system, and on behalf of physicians, to help them provide the best care possible. In furtherance of this commitment, we strongly support the Location Shield Act, which aims to protect the digital rights, privacy, and personal safety of our patients and health care providers.

The MMS would first like to commend the legislature for its continued leadership in protecting and expanding access to reproductive health care in the Commonwealth. Even before the U.S. Supreme Court’s *Dobbs v. Jackson*¹ decision was fully realized, the legislature took proactive steps in anticipation of future challenges by passing the ROE Act, enshrining the legal right to abortion in state law.² The legislature took swift action once again in 2022 to enact the Massachusetts Shield Law, which provides strong protections for both patients and providers by insulating them from hostile actions taken by other states where abortion or gender-affirming care may be restricted or criminalized.³ Last session, this committee recognized the urgency of building on the Commonwealth’s legacy as a leader in reproductive health care access when it favorably released legislation to safeguard people’s privacy and safety in the digital age.⁴ As the nation grapples with growing threats to reproductive rights and access to health care,

¹ National Constitution Center. *Dobbs v. Jackson Women’s Health Organization* (2022).

https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

² Chapter 263 of the Acts of 2020. <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter263>

³ Chapter 127 of the Acts of 2022. <https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter127>

⁴ H.4632. *An Act establishing the Massachusetts Data Privacy Act*. <https://malegislature.gov/Bills/193/H4632>

this committee can once again take meaningful action to protect our patients and providers by advancing data privacy legislation.

In recent years, individuals' privacy has been increasingly compromised due to the sale and unregulated use of personal location data by data brokers. This information—collected by apps on our cell phones—has been sold, leased, and traded to the highest bidder, without any meaningful consent from consumers. The sale of location data is not just an invasion of privacy; it poses a tangible threat to the safety and security of vulnerable individuals, including patients seeking reproductive health care services, gender-affirming care, and other sensitive medical treatments. The growing market for this information has already led to the targeting of individuals in Massachusetts seeking reproductive health care. For example, an anti-abortion political group used mobile phone location data to send misinformation to people who visited 600 Planned Parenthood clinics in locations across the country, including in Massachusetts.⁵ The unfettered ability of companies to sell the detailed location data of people visiting reproductive health clinics can be used by anti-abortion activists and extremists to harass, intimidate, and even physically harm patients and providers.

The MMS is also alarmed by the potential for this same data to be used by anti-trans activists, putting transgender patients and their health care providers in danger. In Massachusetts and across the country, there have been rising threats of violence⁶ against physicians, hospitals, and families for providing or seeking evidence-based gender-affirming care.⁷ The threats are real, and the need for action is urgent. The fear of surveillance can deter individuals from seeking necessary care, exacerbating existing disparities in health care access, especially for marginalized communities. Patients seeking abortion care, LGBTQ individuals, and those from lower socioeconomic backgrounds may be especially impacted by this chilling effect.

The Location Shield Act provides critical protections by prohibiting the sale, lease, trade, or rental of personal location data. It also requires companies to obtain explicit consent from consumers before collecting or processing this data, while still allowing for its use in legitimate circumstances such as providing requested services, responding to emergencies, or complying with legal obligations. This bill

⁵ Politico. 2.13.24. *A company tracked visits to 600 Planned Parenthood locations for anti-abortion ads, senator says.* <https://www.politico.com/news/2024/02/13/planned-parenthood-location-track-abortion-ads-00141172>

⁶ Axios Boston. August 2022. *Boston Children's Hospital faces threats over gender-affirming care.*

⁷ American Academy of Pediatrics. Policy Statement. October 2018. *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents.*

<https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for>

represents a crucial step toward safeguarding the privacy of all residents in Massachusetts, particularly those who may be most vulnerable to the exploitation of their location data.

As physicians, we are acutely aware of the consequences of allowing personal data to be freely traded in the open market. Beyond the immediate threats to safety, this practice undermines trust in the health care system. Patients may fear that their most intimate decisions will be exposed to others, including those seeking to harm them. The Location Shield Act will help ensure that all patients—regardless of their medical needs—are able to access care without fear of being tracked, harassed, or stigmatized.

The Commonwealth has a unique opportunity to lead the nation in setting a precedent for digital privacy protections. The Location Shield Act will ensure that Massachusetts continues to be a beacon in protecting privacy, promoting trust in health care, and safeguarding patients' rights. For these reasons, we respectfully urge a favorable report on this critical legislation. Thank you for your consideration.