

Massachusetts Data Security Law and Regulations-Service Provider Grandfather Provision expires March 1, 2012

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As we previously noted in our Foley Adviser dated February 3, 2010, “New Massachusetts Data Security Law and Regulations-Comprehensive Information Security Plan required before March 1, 2010”, under the regulations, an investment adviser must require third-party service providers by contract to implement and maintain appropriate security measures for personal information. There currently is a grandfather provision that deems any contract with a service provider entered into before March 1, 2010 to be in compliance even if it makes no reference to data protection.

The grandfather provision expires on **March 1, 2012**, so any contract regardless of when signed must be brought into compliance by **March 1, 2012**. You should take steps to ensure that your third party service provider contracts are now in compliance.

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