

By Mr. Wetmore, petition (accompanied by bill, Senate, No. 86) of Robert D. Wetmore for legislation relative to release of certain information regarding a former employee of a financial institution. Commerce and Labor.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO RELEASE OF CERTAIN INFORMATION REGARDING A FORMER EMPLOYEE FROM ONE FINANCIAL INSTITUTION TO ANOTHER FINANCIAL INSTITUTION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 149 of the General Laws, as appearing in the 1990  
2 Official Edition, is hereby amended by adding after section 52C  
3 a new section 52D: —

4 A bank, trust company, national banking association, savings  
5 bank, federal savings bank, cooperative bank, savings and loan  
6 association or credit union may provide to any other such  
7 financial institution a written employment reference which may  
8 include information reported to federal banking regulators  
9 pursuant to federal law and regulations involving a theft,  
10 embezzlement, misappropriation, or other defalcation. Where the  
11 written employment reference contains such information and  
12 where a copy of the written employment reference is sent to the  
13 employee in question at the last known address of such employee,  
14 a bank, a trust company, national banking association, savings  
15 bank, federal savings bank, cooperative bank, savings and loan  
16 association or credit union shall not be liable for providing such  
17 an employment reference unless the information provided is false  
18 and the financial institution providing the false information does  
19 so with knowledge and malice.

