



Massachusetts Court Rules on Retailer's Collection of Customer Zip Codes

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In a case of first impression, a federal district court in Massachusetts found that a person's ZIP code is "personal identification information" (PII) under a Massachusetts law ([Mass. Gen. L. 93-105\(a\)](#)) which prohibits retailers from collecting PII during a credit card transaction if the credit card issuer does not require such disclosure. [Tyler v. Michaels Stores, Inc.](#), 2012 WL 32208 (D. Mass.; Jan. 6, 2012).

The plaintiff in *Tyler* purchased arts and crafts supplies at national retailer Michaels. When asked to provide her zip code during check-out, she provided it because she incorrectly believed she had to provide it to complete the transaction. However, in the complaint Tyler alleged that Michaels collects zip codes for the sole purpose of locating a customer's address and phone number from commercially available databases to send marketing materials.

The court held that a zip code falls within the definition of "personal identification information." However, the court dismissed the complaint because the plaintiff did not suffer any cognizable injury as a result of the violation. According to the court, the failure to comply with the statutory standard, without more, did not constitute an injury. Further, the court refused to find that the Massachusetts consumer protection statute created a legally protected privacy interest in not having consumer's PII deceptively taken as part of a credit card transaction because the main goal of the statute was to prevent fraud, not protect privacy. For the same reason, the court refused to recognize that receiving unwanted commercial mail is an injury cognizable under the Massachusetts statute at issue.

Last year, the California Supreme Court [held](#) a California statute ([Civil Code § 1747 et. seq.](#)) prohibits merchants from requesting and storing consumers' zip codes in the course of completing card transactions. (See [Pineda v. Williams-Sonoma Stores, Inc.](#), No. S178241 (Cal., Feb. 10, 2011)).

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