



Information Privacy and Security Council (IPSC)

Meeting Agenda (amended)

April 15, 2015 1:00 PM

Keoni 'Ana Building
1177 Alakea St,
Room 304
Honolulu, Hawai'i 96813

Wailuku State Office Bldg.
54 South High Street
Third Floor VCC
Wailuku, HI 96793

Lihu'e State Office Bldg.
3060 'Eiwa Street
Basement VCC
Lihu'e, HI 96766

Hilo State Office Bldg.
75 Aupuni Street
Basement VCC
Hilo, HI 96720

- I. Call to Order – Welcome Chair
- II. Approval of previous meeting minutes Chair
- III. Public Testimony on agenda items ¹ Chair
- IV. Legislative Update Chair
Discussion / review of active legislation specific to privacy or data security (see attachment)
- V. Update from Best Practices and Yearly Reporting Committee: Chair
 - Formation of best practices, automated tools, and investigation of training materials and programs for the protection of Personally Identifiable Information (PII) for posting on the IPSC web site
 - Review and update of Existing IPSC Publications
 - 2015 Privacy Reporting enhancements
- VI. **Executive Session**
Executive Session – This portion of the meeting is closed to the public pursuant to Hawaii Revised Statutes sections 92-4, and 92-5(a)(4) (to consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities) and/or 92-5(a)(6) (to consider matters relating to public safety or security).
 - a) Review and discussion of Cyber Security threats, trends, and current use of security tools on the State network Chair and OIMT
Invited
Guests
 - b) Review and discussion of Office of Information Management and Technology (OIMT) projects concerning PII and security of State systems Chair and OIMT
Invited
Guests
 - Messaging and Collaboration Project

¹ Any interested person may submit data or views, in writing or in person to the Council on any agenda item. Testimony must be related to an item that is on the agenda and such person shall be required to identify the agenda item to be addressed by the testimony. Each individual or representative of an organization is allotted three minutes, or an amount of time otherwise designated in advance by the Chairperson, to provide testimony to the Council.



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|-------|--|--|
| c) | Security / Privacy concerns and issues in Member Agencies | Chair |
| d) | Review and discussion from the Enterprise Architecture Working Group on the strategy and development of policies concerning security and privacy | Chair and
OIMT
Invited
Guests |
| VII. | Announcements and good of the order | Council |
| | <ul style="list-style-type: none">• Next meeting date: May 20, 2015, 1:00 PM | |
| VIII. | Adjournment | Chair |

In an effort to reduce costs and increase public access to meeting materials, the Council will no longer be providing copies of materials for distribution to the public. Instead, at each meeting there will be a folder of materials for public review. Materials can also be viewed online at <http://ipsc.hawaii.gov> .

Individuals who require special needs accommodation should call (808) 586-1812 at least five working days in advance of the meeting.

Measure Tracking Report: Privacy

Hawaii State Legislature



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<u>Measure</u>	<u>Notes</u>	<u>Current Status</u>	<u>Introducer(s)</u>	<u>Referral</u>	<u>Companion</u>
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SB998

Personal Information;
Security; Department of
Commerce and
Consumer Affairs;
Information Privacy and
Security Council



RELATING TO INFORMATION PRIVACY. Requires the information privacy and security council to establish best practices for the use, storage, and security of personal information entrusted to businesses and government agencies and report findings and proposed legislation to the legislature.

(S) 2/12/2015 -
The committee on GVO deferred the measure.

IHARA

EDT/GVO,
CPN

SB1186 SD1

Personal Information;
Security Breach;
Notification



RELATING TO PERSONAL INFORMATION. Expands definition of "personal information" and establishes or amends the timeline by which a business or government agency must notify persons affected by a security breach of personal information. Specifies additional information required in notification following certain security breaches. (SD1)

(S) 2/18/2015 -
Report adopted;
Passed Second Reading, as amended (SD 1) and referred to JDL/WAM.

WAKAI, INOUE, KIDANI, RUDERMAN, Baker, Dela Cruz, Espero, Galuteria, Harimoto, Kahele, Keith-Agaran, Nishihara, Riviere, Slom, Taniguchi

GVO/CPN,
JDL/WAM

HB1279

Cybersecurity;
Statewide Cybersecurity
Council



RELATING TO CYBERSECURITY. Establishes a statewide cybersecurity council to identify and assess critical computer infrastructure and

(H) 2/2/2015 -
Referred to JUD, FIN, referral sheet 6

WARD, BROWER, WOODSON, Cachola, Kong

JUD, FIN

make annual recommendations to the legislature.

HB1305

Personal Account;
Privacy; Employment;
Social Networking
Website



RELATING TO SOCIAL MEDIA.
Prohibits employers from requiring, requesting, suggesting, or causing employees and potential employees to grant access to personal account usernames or passwords for a social networking website.

(H) 2/2/2015 -
Referred to LAB, JUD,
referral sheet 6

ING, BROWER, C. LEE, MCKELVEY,
NAKASHIMA, NISHIMOTO, OHNO,
RHOADS, SAIKI, TAKUMI

LAB, JUD

HB561 HD1

SD1

Personal Account;
Privacy; Employment;
Social Media



RELATING TO SOCIAL MEDIA.
Prohibits employers from requiring or requesting employees and potential employees to grant access to personal account usernames or passwords. Provides civil penalties and allows a civil action for injunctive relief or actual damages, or both. Effective 1/7/2059. (SD1)

(S) 4/6/2015 - 48
Hrs. Notice 04-08-15.

LOPRESTI, BROWER, LOWEN,
MCKELVEY, MIZUNO, Keohokalole,
Kobayashi, San Buenaventura

JDL

SB1269

HB613 HD1

Student data; Computer
services



RELATING TO STUDENT DATA MANAGEMENT.
Limits and controls the ways in which a computer service provider working with the DOE can use student data. (HB613 HD1)

(S) 3/16/2015 -
The committee on
EDU deferred the
measure.

EVANS, TAKUMI

EDU, CPN

SB1148

Cybersecurity
employment training.



RELATING TO CYBERSECURITY WORKFORCE DEVELOPMENT.
Establishes a cybersecurity employment training initiative within the University of Hawaii community college system; appropriates funds for the

(S) 1/28/2015 -
Referred to HEA/EDT,
WAM.

KIM (Introduced by request of another party)

HEA/EDT,
WAM

HB979

operation of the initiative.

SB658

Office of Information Practices; Information Practices Commission

RELATING TO INFORMATION PRACTICES.

Reconstitutes the office of information practices as the information practices commission and places the commission administratively within the department of accounting and general services. Requires the governor to appoint the commission members from a panel of members nominated by the judicial council. Authorizes the commission to hire an executive director and staff.



(S) 1/26/2015 -
Referred to JDL,
WAM.

IHARA

JDL, WAM

HB446 HD1

Address Confidentiality Program; Domestic

Violence; Sexual Offense; Stalking

RELATING TO ADDRESS CONFIDENTIALITY.

Establishes the Address Confidentiality Program to help survivors of domestic violence, sexual assault, and stalking to relocate and keep their addresses confidential. Creates the Address Confidentiality Program Surcharge Fund. (HB446 HD1)



(H) 2/12/2015 -
Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and C. Lee excused (1).

BELATTI, CARROLL, EVANS, FUKUMOTO
CHANG, HAR, ICHIYAMA, JORDAN,
LOWEN, LUKE, MATSUMOTO,
MORIKAWA, THIELEN, San
Buenaventura

HUS, JUD,
FIN

SB384

HB106

Student Privacy;

Consumer Protection

RELATING TO STUDENT PRIVACY.

Prohibits an operator of an internet web site, online service, online application, or mobile application from knowingly engaging in targeted advertising to students or their parents or legal guardians, using covered information to create a profile about a K-12 student, selling a student's information, or disclosing covered information. Defines "covered information." Authorizes the disclosure of covered information of a student under specified



(H) 1/26/2015 -
Referred to EDN,
CPC, JUD, referral
sheet 1

CHOY

EDN,
CPC, JUD

SB1269

Personal Account;
Privacy; Employment
RELATING TO SOCIAL
MEDIA.



Prohibits employers from requiring or requesting employees and potential employees to grant access to personal account usernames and passwords.

(S) 1/29/2015 -
Referred to JDL.

ESPERO, Gabbard, Nishihara,
Shimabukuro, Slom

JDL

HB561

SB1279 SD2

HD1

Technology;
Employment Covenants
or Agreements
RELATING TO EMPLOYMENT
AGREEMENTS.



Prohibits noncompete agreements and restrictive covenants that forbid post-employment competition of employees of a technology business. Effective 01/07/2059. (SB1279 HD1)

(H) 4/6/2015 -
The committees on CPC recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows:
15 Ayes:
Representative(s)
McKelvey, Woodson, Brower, Creagan, Har, Hashem, Kawakami, C. Lee, Nakashima, Oshiro, San Buenaventura, Takayama, Yamane, Fukumoto Chang, McDermott; Ayes with reservations: none; Noes: none; and 1 Excused:
Representative(s)
Belatti.

WAKAI, CHUN OAKLAND, INOUE,
NISHIHARA, Espero, Galuteria,
Harimoto, Slom

EDB, CPC

HB1090

HB979 HD1

Cybersecurity
Employment Training;
Appropriation



RELATING TO CYBERSECURITY
WORKFORCE
DEVELOPMENT.
Establishes a Cybersecurity Employment Training Initiative within the University of Hawaii Community College System; appropriates funds for the operation of the Initiative.

(H) 2/18/2015 -
Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Pouha excused (1).

SOUKI (Introduced by request of another party)

HED, FIN

SB1148

HB1090 HD2

SD2

Technology Businesses;
Employment Covenants
or Agreements;
Noncompete Clause;
Nonsolicit Clause



RELATING TO EMPLOYMENT
AGREEMENTS.

(S) 4/8/2015 -
Received notice of disagreement (Hse. Com. No. 348).

C. LEE, EVANS, MIZUNO, NISHIMOTO,
OHNO, SAIKI, SOUKI

EDT/CPN,
JDL

Prohibits noncompete and nonsolicit clauses in employment contracts, post-employment contracts, and separation agreements relating to employees of a technology business. (SD2)

SR41 SD1

Office of Information Management and Technology; Personal Information; Data Breach; Working Group; Establishment



REQUESTING THE INFORMATION PRIVACY AND SECURITY COUNCIL, IN COOPERATION WITH THE STATE CHIEF INFORMATION OFFICER COUNCIL, TO ASSESS EXISTING PROCEDURES OF NOTIFICATION FOLLOWING THE BREACH OF PERSONAL INFORMATION.

(S) 4/1/2015 - Report adopted, as amended (SD 1) and referred to JDL.

KEITH-AGARAN, BAKER, CHUN OAKLAND, ENGLISH, Dela Cruz, Espero, Kahele, Kouchi, Shimabukuro, Tokuda, Wakai

GVO, JDL

SCR88 SD1

Office of Information Management and Technology; Personal Information; Data Breach; Working Group; Establishment



REQUESTING THE INFORMATION PRIVACY AND SECURITY COUNCIL, IN COOPERATION WITH THE STATE CHIEF INFORMATION OFFICER COUNCIL, TO ASSESS EXISTING PROCEDURES OF NOTIFICATION FOLLOWING THE BREACH OF PERSONAL INFORMATION.

(S) 4/6/2015 - The committee(s) on JDL recommend(s) that the measure be PASSED, UNAMENDED. The votes in JDL were as follows: 7 Aye(s): Senator(s) Keith-Agaran, Shimabukuro, Espero, Gabbard, Ihara, L. Thielen, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.

KEITH-AGARAN, BAKER, CHUN OAKLAND, ENGLISH, Dela Cruz, Espero, Kahele, Kouchi, Shimabukuro, Tokuda, Wakai

GVO, JDL

HB287 HD1

Judiciary Package; UIPA; Government Records



RELATING TO THE UNIFORM INFORMATION PRACTICES ACT. Broadens the individual's significant privacy interest under the UIPA to include records whose disclosure would create a substantial and demonstrable risk of physical harm to an individual. (HB287 HD1)

(S) 4/6/2015 - The committee(s) on JDL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in JDL were as follows: 7 Aye(s): Senator(s) Keith-Agaran, Shimabukuro, Espero, Gabbard, Ihara, L. Thielen, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.

SOUKI (Introduced by request of another party)

JDL

SB427

SB514 SD1 HD1

Theft; Personal

Electronic Devices

RELATING TO THEFT OF
PERSONAL ELECTRONIC
DEVICES.

Establishes a class C felony
for theft of any computer
that contains or has access
to personal information.
(SB514 HD1)



(H) 3/23/2015 -
Recommitted to CPC
with none voting no
and Representative(s)
Aquino, Cullen,
Nakashima, Ward
excused.

L. THIELEN, CHUN OAKLAND, KEITH-
AGARAN, Galuteria, Kim, Riviere,
Ruderman, Shimabukuro

CPC, JUD,
FIN HB781