
A BILL FOR AN ACT

RELATING TO PERSONAL INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 487N-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "personal information" to
3 read as follows:

4 "Personal information" means an individual's first name or
5 first initial and last name in combination with any one or more
6 of the following data elements, when either the name or the data
7 elements are not encrypted:

8 (1) Social security number;

9 (2) Driver's license number or Hawaii identification card
10 number; [~~or~~]

11 (3) Account number, credit or debit card number, access
12 code, or password that would permit access to an
13 individual's financial account[-];

14 (4) Medical information, including but not limited to any
15 information regarding an individual's medical history,
16 mental or physical condition, or medical treatment or
17 diagnosis by a qualified health care professional;



- 1 (5) Health insurance information, including but not
- 2 limited to an individual's health insurance policy
- 3 number or subscriber identification number, any unique
- 4 identifier used by a health insurer to identify an
- 5 individual, or an individual's application and claims
- 6 history, including any records of appeal; or
- 7 (6) An online user name, electronic mail address, or
- 8 social media user name or other identifier of a social
- 9 media account in combination with a password that
- 10 would permit access to an online account.

11 "Personal information" does not include publicly available
12 information that is lawfully made available to the general
13 public from federal, state, or local government records."

14 SECTION 2. Section 487N-2, Hawaii Revised Statutes, is
15 amended by amending subsections (a) to (d) to read as follows:

16 "(a) Any business that owns or licenses personal
17 information of residents of Hawaii, any business that conducts
18 business in Hawaii that owns or licenses personal information in
19 any form (whether computerized, paper, or otherwise), or any
20 government agency that collects personal information for
21 specific government purposes shall provide notice to the



1 affected person that there has been a security breach following
2 discovery or notification of the breach. The disclosure
3 notification shall be made without unreasonable delay,
4 consistent with the legitimate needs of law enforcement as
5 provided in subsection (c) [~~of this section~~], and consistent
6 with any measures necessary to determine sufficient contact
7 information, determine the scope of the breach, and restore the
8 reasonable integrity, security, and confidentiality of the data
9 system.

10 (b) Any business located in Hawaii or any business that
11 conducts business in Hawaii that maintains or possesses records
12 or data containing personal information of residents of Hawaii
13 that the business does not own or license, or any government
14 agency that maintains or possesses records or data containing
15 personal information of residents of Hawaii shall notify the
16 owner or licensee of the information of any security breach
17 [~~immediately~~] no later than ten days following discovery of the
18 breach, consistent with the legitimate needs of law enforcement
19 as provided in subsection (c).

20 (c) The notice required by this section shall be delayed
21 if a law enforcement agency informs the business or government



1 agency that notification may impede a criminal investigation or
2 jeopardize national security and requests a delay; provided that
3 such request is made in writing, or the business or government
4 agency documents the request contemporaneously in writing,
5 including the name of the law enforcement officer making the
6 request and the officer's law enforcement agency engaged in the
7 investigation. The notice required by this section shall be
8 provided [~~without unreasonable delay~~] pursuant to subsection (a)
9 or (b) after the law enforcement agency communicates to the
10 business or government agency its determination that notice will
11 no longer impede the investigation or jeopardize national
12 security.

13 (d) The notice shall be clear and conspicuous. The notice
14 shall include a description of the following:

- 15 (1) The incident in general terms;
- 16 (2) The type of personal information that was subject to
17 the unauthorized access and acquisition;
- 18 (3) The general acts of the business or government agency
19 to protect the personal information from further
20 unauthorized access;



- 1 (4) A telephone number that the person may call for
2 further information and assistance, if one exists;
3 [and]
- 4 (5) Advice that directs the person to remain vigilant by
5 reviewing account statements and monitoring free
6 credit reports [-];
- 7 (6) If the information is possible to determine at the
8 time the notice is provided, then any of the
9 following:
- 10 (A) The date of the breach;
11 (B) The estimated or approximate date of the breach;
12 or
13 (C) The range of possible dates within which the
14 breach occurred;
- 15 (7) Whether law enforcement caused a delay in
16 notification, if the information is possible to
17 determine at the time the notice is provided; and
- 18 (8) If the breach exposed a civil identification card
19 number or social security number, the contact
20 information for major credit reporting agencies."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2015.

4



Report Title:

Personal Information; Security Breach; Notification

Description:

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)

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