



INFORMATION AND PRIVACY SECURITY COUNCIL

ANNUAL SUMMARY REPORT

DECEMBER 29, 2016

SUBMITTED TO

THE TWENTY-NINTH STATE LEGISLATURE

Information Privacy and Security Council Annual Summary Report

The Information Privacy and Security Council (IPSC) submits the following summary report on the existence and character of government agencies' personal information (PI) systems, pursuant to Hawai'i Revised Statutes (HRS) section 487N-5(d).

The IPSC has received the individual annual reports submitted by government agencies, pursuant to section 487N-7, and enclosed are the council's findings, significant trends, and recommendations to protect PI used by government agencies.

Compliance

Any government agency that maintains one or more personal information systems is required under HRS section 487N-7 to submit to the IPSC an annual report on the existence and character of each PI system added or eliminated since the agency's previous annual report. A summary of the compliance of State and county government agencies is provided in Exhibit A.

The summary notes the status of each agency privacy designee and whether the agency has:

- Submitted Confirmation to IPSC that Agency Does Maintain PI System(s);
- Submitted Confirmation to IPSC that Agency Does Not Maintain PI Systems; or
- Did Not Submit PI Report Confirmation

The IPSC has invested significant time and effort in outreach to facilitate awareness of the law and compliance. On August 25, 2016, a memorandum was distributed by the IPSC chair to all agency privacy designees on file and copied to jurisdictional leadership. The IPSC also leveraged the representative makeup of the council to enhance outreach to the counties, and email and phone correspondence was utilized as needed.

In addition, State executive branch agencies for the first time were provided the option to submit their reports "paperless" through the IPSC's new secure online form. Initially, this option is only available to agencies on the executive branch Active Directory, which includes most departments except the Department of Education, Department of Taxation, University of Hawai'i, and some attached agencies. Seven agencies reported on 12 systems through this online option.

It is the IPSC's intent to make the online form available to all departments and jurisdictions in 2017. In the meantime, other agencies submitted their reports as usual via email or U.S. Postal Service.

The rate of reporting has significantly improved since the passage of Act 10 of 2008, which established the reporting requirement. This year, the IPSC received confirmation from a total of 99 agencies that they maintain PI systems, with 31 agencies notifying the council that the "Agency Does Not Maintain PI Systems." The continued reporting by agencies that they no longer maintain PI systems is encouraging, as it reduces overall risk.

Significant Trends

Agencies are required to report breaches involving 1,000 or more Hawai'i residents to the Department of Commerce and Consumer Affairs' Office of Consumer Protection (OCP), pursuant to HRS section 487N-2(f). Overall, the IPSC has observed a low rate of breaches among State and county agencies in recent years. In 2016, no State or local government agencies within Hawai'i reported security breaches at or above the 1,000 threshold.

In last year's annual summary report, the IPSC had recommended to the OCP the posting of information about breaches on a central website to make the information available to potentially impacted individuals who may not be easily reached due to change of address or other reasons. The OCP confirmed that individuals typically check with the OCP or the entity involved, and counties, if contacted, tend to refer inquires to the OCP.

The IPSC acknowledges the OCP's quick action in posting its "Security Breach Notices" website last January, following the IPSC's recommendation. The site categorizes security breaches by type (in order of frequency): Hackers/Unauthorized Access; Stolen Laptops, Computers & Equipment; Release/Display of Information; Data Theft by Employee or Contractor; Lost in Transit; and Phishing. OCP continues to maintain this website at:

<http://cca.hawaii.gov/ocp/security-breach-notice/>

Likewise, the IPSC continues to maintain an "Guidelines and Best Practices" page on its website (ipsc.hawaii.gov), offering various documents and resources that provide guidance for agencies to use toward minimizing security breaches, protecting personal data, and securely using portable devices.

Recommendations to Protect PI Used by Government Agencies

In its June 2016 meeting, the IPSC formed a Permitted Interaction Group to provide recommendations on guidelines for media sanitation with regard to HRS section 52D-14, Duty and Right of Finders. The current statute does not appear to address electronic devices and the personally identifiable information they may contain. Instead, it requires law enforcement to provide any unclaimed property to the finder after 45 days. Given that cell phones, computers and other such devices may contain personally identifiable information, the IPSC recommends that unclaimed property first be sanitized and/or destroyed in accordance with national standards. Proposed guidance follows:

Proposed IPSC Guidance Regarding the Sanitation of Found Media

Prior to being returned to the finder (or disposed of, as allowable by law), an electronic device that allows for storage of personal information, as defined by section 487N-1, shall be sanitized in accordance with National Institute of Standards and Technology (NIST) [Special Publication 800-88, Guidelines for Media Sanitation](#), to ensure removal of personal information. If removal of personal information is not possible or cannot be verified without unreasonable expense, the device shall be destroyed in accordance with NIST Special Publication 800-88, prior to disposal or recycling. The chief of police (or the Department of Transportation director or director's agent, under HRS section 261-17.7) shall notify the finder that the device was destroyed and disposed of or recycled because personal information could not be removed.

Exhibit A

Information Privacy and Security Council, State of Hawaii
Annual Summary Report (2016) — Revised 12/30/16

	Department/Division/Board/Commission/Office	Br/Dept/ County	Agency Privacy Designee Status	Maintains PI System(s)		
				Submitted Confirmation to IPSC that Agency Does Maintain PI System(s)	Submitted Confirmation to IPSC that Agency Does Not Maintain PI Systems	Did Not Submit PI Report Confirmation to IPSC
Legislative Branch						
	The Senate	LEG	Compliant	Compliant		
	The House of Representatives	LEG	Compliant	Compliant		
	Apportionment Advisory Councils	LEG	Inactive			
	Office of the Auditor	AUD	Compliant	Compliant		
	Hawai'i State Ethics Commission	AUD	Compliant	Compliant		
	Legislative Reference Bureau	LEG	Compliant	Compliant		
	Ombudsman	LEG	Compliant	Compliant		
Executive Branch						
	Office of the Governor	Gov	Compliant		Compliant	
	Office of the Lieutenant Governor	Lt. Gov	Compliant	Compliant		
	Department of Accounting and General Services	DAGS	Compliant	Compliant		
	Department of Agriculture	DOA	Compliant	Compliant		
	Department of the Attorney General	AG	Compliant	Compliant		
	Department of Budget and Finance	B&F	Compliant	Compliant		
	Department of Business, Economic Development and Tourism	DBEDT	Compliant	Compliant		
	Hawaii Housing Finance and Development Corporation	HHFDC	Compliant	Compliant		
	Department of Commerce and Consumer Affairs	DCCA	Compliant	Compliant		
	Department of Defense	DOD	Compliant			Not Compliant
	Department of Education	DOE	Compliant	Compliant		
	State Public Charter School Commission	DOE	Compliant	Compliant		
	Hawaii Teacher Standards Board	DOE	Compliant	Compliant		
	Department of Hawaiian Home Lands	DHHL	Compliant	Compliant		
	Department of Health	DOH	Compliant	Compliant		
	Executive Office on Aging		Compliant	Compliant		
	Department of Human Resources Development	DHRD	Compliant	Compliant		
	Department of Human Services	DHS	Compliant	Compliant		
	Department of Labor and Industrial Relations	DLIR	Compliant	Compliant		
	Department of Land and Natural Resources	DLNR	Compliant	Compliant		
	Department of Public Safety	PSD	Compliant	Compliant		
	Department of Taxation	TAX	Compliant	Compliant		
	Department of Transportation	DOT	Compliant		Compliant	
	Oahu Metropolitan Planning Organization	OahuMPO	Compliant	Compliant		
	University of Hawaii	UH	Compliant	Compliant		
Judicial Branch						
	Office of Hawaiian Affairs	OHA	Compliant	Compliant		
Other						
	Hawaii Council for the Humanities		Not Compliant			Not Compliant

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	Department of the Prosecuting Attorney	CC HON	Compliant	Compliant		
Legislative						
	City Council	CC HON	Compliant	Compliant		
	City Clerk	CC HON	Compliant	Compliant		
	Office of Council Services	CC HON	Compliant	Compliant		
	Office of the City Auditor	CC HON	Compliant	Compliant		
Executive						
	Mayor	CC HON	Compliant		Compliant	
	Board of Water Supply	CC HON	Compliant	Compliant	Compliant	
	Department of the Corporation Counsel	CC HON	Compliant	Compliant		
	Department of Budget and Fiscal Services	CC HON	Compliant	Compliant		
	Liquor Commission	CC HON	Compliant	Compliant		
	Department of Community Services	CC HON	Compliant	Compliant		
	Department of Customer Services	CC HON	Compliant	Compliant		
	Department of Design and Construction	CC HON	Compliant		Compliant	
	Department of Emergency Management	CC HON	Compliant	Compliant		
	Honolulu Emergency Services Department	CC HON	Compliant			
	Department of Enterprise Services	CC HON	Compliant	Compliant		
	Department of Environmental Services	CC HON	Compliant	Compliant		
	Ethics Commission	CC HON	Compliant	Compliant		
	Department of Facility Maintenance	CC HON	Compliant	Compliant		
	Honolulu Fire Department	CC HON	Compliant	Compliant		
	Department of Human Resources	CC HON	Compliant	Compliant		
	Department of Information Technology	CC HON	Compliant	Compliant		
	Department of the Medical Examiner	CC HON	Compliant	Compliant		
	Department of Parks and Recreation	CC HON	Compliant	Compliant		
	Department of Planning and Permitting	CC HON	Compliant	Compliant		
	Honolulu Police Department	CC HON	Compliant	Compliant		
	Department of Transportation Services	CC HON	Compliant	Compliant		
	Royal Hawaiian Band	CC HON	Compliant			Not Compliant
	Mayor's Office of Culture and the Arts (MOCA)	CC HON				Not Compliant
	Managing Director's Office	CC HON	Compliant		Compliant	
	Neighborhood Commission Office	CC HON	Compliant			Not Compliant
	Honolulu Authority for Rapid Transit	CC HON	Compliant	Compliant		

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	Prosecuting Attorney – Committee on the Status of Women	Hawaii	Compliant		Compliant	
Legislative						
	Hawaii County Council and Office of the County Clerk	Hawaii	Compliant	Compliant		
	County of Hawaii Charter Commission	Hawaii	INACTIVE			
	County of Hawaii Redistricting Commission	Hawaii	INACTIVE			
	Office of the Legislative Auditor	Hawaii	Compliant	Compliant		
Executive						
	Office of the Mayor/Managing Director	Hawaii	Compliant	Compliant		
	Office of Aging - Committee on People with Disabilities	Hawaii	Compliant		Compliant	
	Office of Aging - Committee on Aging	Hawaii	Compliant		Compliant	
	Civil Defense Agency	Hawaii	Not Compliant			Not Compliant
	Office of Corporation Counsel	Hawaii	Compliant	Compliant		
	Department of Environmental Management	Hawaii	Compliant	Compliant		
	Environmental Management Commission	Hawaii	Compliant		Compliant	
	Department of Finance	Hawaii	Compliant	Compliant		
	Standardization Committee	Hawaii	Compliant		Compliant	
	Real Property Tax Board of Review	Hawaii	Compliant		Compliant	
	Pension Board	Hawaii	Compliant		Compliant	
	li	Hawaii	Compliant			Not Compliant
	Fire Department	Hawaii	Compliant	Compliant		
	Fire Commission	Hawaii	Compliant		Compliant	
	Office of Housing & Community Development	Hawaii	Compliant			Not Compliant
	Hawaii County Housing Agency	Hawaii	Compliant			Not Compliant
	Workforce Investment Board	Hawaii	Compliant			Not Compliant
	Department of Human Resources	Hawaii	Compliant	Compliant		
	Merit Appeals Board	Hawaii	Compliant		Compliant	
	Salary Commission	Hawaii	Compliant		Compliant	
	Department of Liquor Control - Investigators	Hawaii	Compliant	Compliant		
	Department of Liquor Control - Licensee Files	Hawaii	Compliant	Compliant		
	Department of Liquor Control - Personnel Files	Hawaii	Compliant	Compliant		
	Liquor Commission	Hawaii	Compliant	Compliant		
	Liquor Control Adjudication Board	Hawaii	Compliant	Compliant		
	Mass Transit Agency / Transportation Commission	Hawaii	Compliant	Compliant		
	Department of Parks and Recreation (multiple agencies)	Hawaii	Compliant	Compliant		
	Veterans Advisory Committee	Hawaii	Not Compliant			Not Compliant
	Department of Planning	Hawaii	Compliant	Compliant		
	Planning Commission	Hawaii	Compliant			Not Compliant
	Board of Appeals	Hawaii	Compliant			Not Compliant
	Kailua Village Design Commission	Hawaii	Compliant			Not Compliant
	Police Department	Hawaii	Compliant	Compliant		
	Police Commission	Hawaii	Compliant		Compliant	
	Department of Public Works (multiple systems)	Hawaii	Compliant	Compliant		
	Department of Research and Development - Commissions	Hawaii	Compliant	Compliant		
	Department of Research and Development - Personnel	Hawaii	Compliant	Compliant		
	Agriculture Commission	Hawaii	Compliant	Compliant		
	Energy Commission	Hawaii	Compliant	Compliant		
	Department of Water Supply	Hawaii	Compliant	Compliant		
	Department of Public Works - Traffic Division	Hawaii	Compliant	Compliant		

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	County Council	Maui	Not Compliant			Not Compliant
	Office of the County Clerk	Maui	Not Compliant			Not Compliant
	Office of Council Services	Maui	Not Compliant			Not Compliant
Executive						
	Mayor's Office	Maui				
	Committee on the Status of Women	Maui	Compliant			Not Compliant
	Cost of Government Commission	Maui	Compliant			Not Compliant
	Kula Agricultural Park Committee	Maui	Compliant			Not Compliant
	Salary Commission	Maui	Compliant			Not Compliant
	Civil Defense Agency	Maui	Compliant			Not Compliant
	Department of Management/Managing Director	Maui	Compliant			Not Compliant
	Department of the Corporation Counsel	Maui	Compliant			Not Compliant
	Board of Ethics	Maui	Compliant			Not Compliant
	Charter Commission	Maui	Compliant			Not Compliant
	Department of Finance - Real Property Ta270- Review Board	Maui	Compliant		Compliant	
	Department of Public Works	Maui	Compliant			Not Compliant
	Board of Code Appeals	Maui	Compliant			Not Compliant
	Commission on Naming Streets, Parks, & Facilities	Maui	Compliant			Not Compliant
	Maui County Outdoor Lighting Standards Committee	Maui	Compliant			Not Compliant
	Subdivision Engineering Standards Committee	Maui	Compliant			Not Compliant
	Traffic Safety Council	Maui	Compliant			Not Compliant
	Department of Parks and Recreation	Maui	Not Compliant			Not Compliant
	Maui County Arborist Committee	Maui	Not Compliant			Not Compliant
	Department of Fire and Public Safety	Maui	Compliant			Not Compliant
	Fire & Public Safety Commission	Maui	Compliant			Not Compliant
	Department of Planning	Maui	Not Compliant			Not Compliant
	Board of Variances and Appeals	Maui	Not Compliant			Not Compliant
	Cultural Resources Commission	Maui	Not Compliant			Not Compliant
	Hana Advisory Committee to Maui Planning Commission	Maui	Not Compliant			Not Compliant
	Maui Redevelopment Agency	Maui	Not Compliant			Not Compliant
	Maui Planning Commission	Maui	Not Compliant			Not Compliant
	Lanai Planning Commission	Maui	Not Compliant			Not Compliant
	Molokai Planning Commission	Maui	Not Compliant			Not Compliant
	Urban Design Review Board	Maui	Not Compliant			Not Compliant
	Department of Personnel Services	Maui	Compliant	Compliant		
	Affirmative Action Advisory Council	Maui	Compliant			Not Compliant
	Civil Service Commission	Maui	Compliant			Not Compliant
	Department of Housing and Human Concerns	Maui	Compliant			Not Compliant
	Animal Control Board	Maui	Compliant			Not Compliant
	Commission on Children & Youth	Maui	Compliant			Not Compliant
	Commission on Culture and the Arts	Maui	Compliant			Not Compliant
	Commission on Persons with Disabilities	Maui	Compliant			Not Compliant
	Council on Aging	Maui	Compliant			Not Compliant
	Grants Review Committee	Maui	Compliant			Not Compliant
	Department of Water Supply	Maui	Compliant			Not Compliant
	Board of Water Supply	Maui	Compliant			Not Compliant
	Department of Police	Maui	Compliant			Not Compliant
	Police Commission	Maui	Compliant			Not Compliant
	Department of Liquor Control	Maui	Compliant			Not Compliant
	Liquor Control Adjudication Board	Maui	Compliant			Not Compliant
	Liquor Control Commission	Maui	Compliant			Not Compliant
	Department of the Prosecuting Attorney	Maui	Compliant			Not Compliant
	Department of Transportation	Maui	Compliant			Not Compliant
	Department of Environmental Management	Maui	Compliant			Not Compliant
	Solid Waste Research & Advisory Committee	Maui	Compliant			Not Compliant

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	County Council	Kauai	Compliant	Compliant		
	County Clerk	Kauai	Compliant	Compliant		
Executive						
	Mayor	Kauai	Compliant	Compliant		
	Office of Boards & Commissions	Kauai	Compliant		Compliant	
	Board of Ethics	Kauai	Compliant		Compliant	
	Charter Commission	Kauai	Compliant		Compliant	
	Cost Control Commission	Kauai	Compliant		Compliant	
	Fire Commission	Kauai	Compliant		Compliant	
	Police Commission	Kauai	Compliant		Compliant	
	Salary Commission	Kauai	Compliant		Compliant	
	Agency on Elderly Affairs	Kauai	Compliant	Compliant		
	Agency on Housing	Kauai	Compliant	Compliant		
	Agency on Transportation	Kauai	Compliant	Compliant		
	ADA Coordinator	Kauai	Compliant		Compliant	
	Civil Defense Agency	Kauai	Compliant	Compliant		
	Office of Economic Development	Kauai	Compliant	Compliant		
	County Attorney	Kauai	Compliant	Compliant		
	Department of Finance	Kauai	Compliant	Compliant		
	Department of Liquor Control	Kauai	Compliant	Compliant		
	Liquor Control Commission	Kauai	Compliant	Compliant		
	Department of Parks and Recreation	Kauai	Compliant	Compliant		
	Department of Human Resources	Kauai	Compliant	Compliant		
	Civil Service Commission/Merit Appeals Board	Kauai	Compliant		Compliant	
	Police Department	Kauai	Compliant	Compliant		
	Department of the Prosecuting Attorney	Kauai	Compliant	Compliant		
	Department of Public Works	Kauai	Compliant	Compliant		
	Department of Water	Kauai	Compliant	Compliant		
	Board of Water Supply	Kauai	Compliant		Compliant	
	Fire Department	Kauai	Compliant	Compliant		
	Planning Department	Kauai	Compliant	Compliant		
	Planning Commission	Kauai	Compliant		Compliant	
	Kauai Historic Preservation Review Commission	Kauai	Compliant		Compliant	
	Public Access, Open Space & Natural Resources Preservation Fund Commission	Kauai	Compliant		Compliant	