



Information Privacy and Security Council

Meeting Minutes

October 19, 2016

Keoni 'Ana Bldg.
1177 Alakea St.
Room 304
Honolulu, HI 96813

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

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

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

MEMBERS / DESIGNEES PRESENT

Member Name	Department
DeMello, Keith (designee; acting chair)	Office of Enterprise Technology Services (ETS)
Keane, David	Department of Human Resources Development
Tong, Lisa	Department of Commerce and Consumer Affairs
Norman, Nyree	County of Kaua'i
Sherman, Karen	County of Maui
Tachikawa, Joanne	Department of Education (DOE)
Takeshita, Brian (designee)	Legislature
Tungol, Wilfredo	Department of Health
Yong, Lim	Department of Human Services

MEMBERS ABSENT / NOT REPRESENTED

Member Name	Department
Jacobs, Don	County of Hawai'i
Thornton, Kevin	Judiciary
Wong, Mark	City and County of Honolulu
Yoshimi, Garret	University of Hawai'i

I. Call to Order

Acting Chair DeMello called the meeting to order at 1:07 p.m. Quorum was established with nine members present.

II. Review and Approval of Previous Meeting Minutes

Member Keane moved for the IPSC to approve the September 2016 meeting minutes, and Member Tong seconded the motion. It was noted that the minutes should be amended to reflect Member Tungol's attendance. The IPSC adopted the minutes as amended by unanimous consent.

III. Public Testimony on Agenda Items

None.

IV. State and County Agency Personal Information (PI) System Annual Reports

As reported last month, logs showing which agencies have submitted annual PI system reports are available on the IPSC Collaborative Site, visible only to IPSC members for security reasons. Members may navigate to the logs by selecting "Committees" and then "Yearly PI Reporting."

After providing a demonstration of accessing the log, Acting Chair DeMello clarified that the current logs only reflect reports submitted via email by agency privacy designees, but they will be updated shortly to reflect those submitted via online form as well. (It was noted that "agency privacy designee," the point of contact within each agency, should not be confused with IPSC member designee, who serves as the alternate to a IPSC member.)

Clarification was also made that departments are marked “partially compliant” until verification is made that no other agencies within that department are expected.

Member Sherman asked if IPSC members could have access to each of the agency reports within their jurisdiction, as this would help with follow-up. Acting Chair DeMello stated that the agency reports can be added, and visibility given only to the IPSC member and member designee of that jurisdiction.

Acting Chair DeMello added that the IPSC has generally tracked compliance by department, but consideration should be made to expand the log to better reflect agencies within departments, where appropriate. There was no objection to doing so.

Further, the IPSC discussed whether to continue tracking agencies that have reported themselves as not maintaining PI, as defined by HRS Section 487N-1.

HRS Section 487N-7 “Reporting requirements” states:

(a) Effective January 1, 2009, any government agency that maintains one or more personal information systems shall submit to the council an annual report on the existence and character of each personal information system added or eliminated since the agency's previous annual report. The annual report shall be submitted no later than September 30 of each year...

As an administrative item, it was determined that, in future years, if an agency continues to not maintain PI, they will not be tracked. The definition of “maintaining” includes any record retention requirements, through and including purging. It was suggested that a column be added to the IPSC’s log for agencies in the process of decommissioning/purging systems with PI.

Acting Chair DeMello noted that previous reports are provided to agency privacy designees upon request, if a report is on file. Member Keane noted that the initial years of agency reports were challenging, but compliance has improved with memos going out from the comptroller and, more recently, the CIO. Acting Chair DeMello stated that it remains ETS’ intent to send out a memo annually to department heads, mayors’ offices, and other jurisdiction leadership to remind agencies of reporting requirements under HRS Section 487N-7.

IPSC is continuing to accept late agency reports throughout the month. IPSC’s summary report is due 20 days prior to Legislature. Under HRS Section 487N-5(d), the summary report shall include the council's findings, significant trends, and recommendations to protect personal information used by government agencies.

V. Status of the Permitted Interaction Group Research and Recommendations on Guidelines for Found Media Sanitation

In the June 2016 meeting of the IPSC, members voted to form a permitted interaction group to provide recommendations on guidelines for media sanitation with regard to HRS Section 52D-14, Duty and Right of Finders, which did not appear to address electronic devices and the personally identifiable information (PII) they may contain.

Member Jacobs provided recommendations on behalf of the group at the September 2016 meeting, as reflected in minutes. Pursuant to HRS Section 92-2.5, discussion was deferred to this subsequent meeting.

Member Sherman moved for the IPSC to form a subcommittee to develop a recommendation for legislative amendments, and Member Keane seconded the motion. In discussion, members suggested that a subsection be added to HRS Section 52D-14 providing an exception for “electronic devices that allow for storage of personal information” defined by Section 487N-1. The subsection would require that such devices be sanitized in accordance with national standards to ensure deletion or removal of the information. Where deletion or removal of personal information is not possible or cannot be verified without unreasonable expense, the device would need to be destroyed in a manner sufficient to eliminate the information, prior to disposal or recycling of the device. It was recommended that the motion specify that Acting Chair DeMello and Member Keane serve on the subcommittee and work with the Attorney General’s office on the amendment language. The motion was amended, and the IPSC adopted the measure by unanimous consent.

Member Sherman acknowledged her appreciation to the IPSC for taking up the issue. Acting Chair DeMello thanked Member Sherman for bringing the issue to the IPSC to address the conflicting statutory language.

VI. Executive Session

Member Tong moved to enter into executive session to discuss internal handling of employee personally identifiable information, pursuant to HRS sections 92-5(a)(6), to consider sensitive matters related to public safety or security, and 92-5(a)(8), to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order. Member Yong seconded the motion. The motion passed unanimously.

The IPSC entered executive session at 1:47 p.m. The council discussed internal handling of employee PII.

Member Keane moved to exit executive session, and Member Yong seconded the motion. The IPSC exited executive session at 2:26 p.m.

VII. Good of the Order

The next IPSC meeting is scheduled for Wednesday, November 17, 2016, 1 p.m.

VIII. Adjournment

Member Tachikawa moved to adjourn the meeting, and Member Yong seconded the motion. The meeting adjourned at 2:27 p.m.

Respectfully Submitted,

Date

Keith A. DeMello
Acting Chair, IPSC
Office of Enterprise Technology Services
State of Hawai‘i